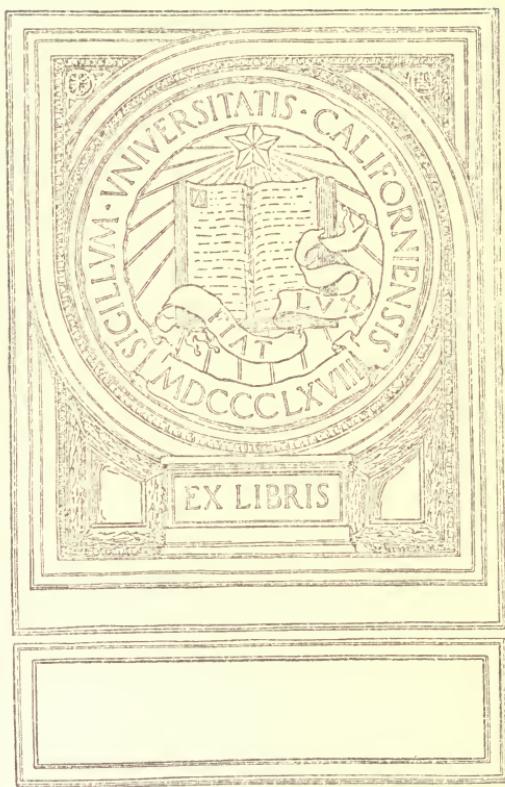


HENRY CLAY PAYNE



A LIFE















H. C. Payne

HENRY CLAY PAYNE

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A Life

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MILWAUKEE  
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## Preface

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MILWAUKEE, October 4, 1906.

*Mrs. Lydia W. Payne.*

MADAME: At your request, with data mainly furnished by you and by Mr. Whitney, I have prepared the following biographical sketch of your husband. You will readily observe that not all the material placed at my disposal has been employed. At the time of Mr. Payne's death many of his friends and admirers wrote you letters of appreciation of his life and character and tributes of their affection for him. All of these I would gladly have gathered into these pages save that the result would have been a volume too cumbersome for biographical purpose and a cloying of the narrative by frequent repetition of the same encomium. I have therefore ventured to scatter through this volume only such letters of tribute and reminiscence as illustrate the successive periods of Mr. Payne's life and illuminate his character. I respectfully suggest to you that all the letters, used and unused, be bound in their autograph and preserved in some historical library.

You will recall that you placed also in my hands a large number of clippings pertaining to the entire period

of Mr. Payne's public career. Many of these he, himself, severed from newspapers and pasted in scrap books. Articles of praise and of criticism were alike included by him. Scanning these fugitive pieces has recalled to me many a slanderous accusation published concerning Mr. Payne during his busy and active life. Conscious of his rectitude of purpose, animated with a lofty desire to benefit his party, his city, his state, his country, Mr. Payne suffered those calumnies to pass unrefuted. I have not chosen to revivify them for the mere purpose of destroying and denouncing them.

To-day is the second anniversary of your distinguished husband's death. To-day I complete this volume portraying in some measure his career and character, and place it at your service. I trust that the interest I have felt in its preparation may be shared by you and by his friends in its perusal.

WILLIAM W. WIGHT.

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## CHAPTER I

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### Ancestry and Early Years

In the records of the ancient town of Braintree, in the colony of Massachusetts Bay, is entered this paragraph:

Deacon Samuel Bass, aged 94, departed this life upon the 30th day of December, 1694; who had been a deacon of the church of Braintree for the space of above 50 years, and the first deacon of that church; and was the father and grandfather and great grandfather of a hundred and sixty-two children before he died.\*

Among the great grandchildren of this venerable patriarch of the early church of New England was Samuel Paine. He was born in the spring of 1689 and was grandson of Stephen Paine and Hannah Bass and son of Stephen Paine and Ellen Veasey. These three generations of Paines and Mr.† Moses Paine, the father of the earlier Stephen, were dwellers in Braintree. Here was born June 30, 1735, Samuel's son, Joseph Ruggles Paine, whose surname in the records often lacked the final letter. He was a soldier in the company of Captain Jabez Snow, in the wars so frequent against the French and Indians, in the decade before the American Revolution.

About 1767 Joseph Ruggles Paine journeyed westward from Braintree and made his home in the southwestern part of what is now Franklin County, Massachusetts, in the town of Ashfield.

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\*Thayer's Family Memorial, page 53.

†"Mr." is always found with the name of Moses Paine. In the early records Mr. imports social precedence.

Early Ashfield had experienced as disturbed, if not as sad and memorable, a history as its neighbor Deerfield. More than once abandoned through fear of Indian massacres, more than once re-occupied, it had finally, in 1765, become incorporated as a town.

It is not an especially fertile region. It abounds in hills whose deep valleys lend themselves more profitably to grazing than to tillage. In one of the almost inaccessible and quite solitary portions of Ashfield, almost on the line of Buckland town, near a small settlement now called Baptist Corners, can still be seen the cellar of the home of Joseph Ruggles Pain. The cluster of houses took its name from the church near at hand, whose site is indicated by a granite boulder, bearing a tablet with this legend, "First Baptist Church, built 1775, removed 1831." Adjoining the Pain home was the house where was born Mary Lyon, the founder of Mount Holyoke seminary. Near by is the meager and ill-kept graveyard where are still seen the mortuary stones showing that Joseph R. Pain died April 17, 1822, aged eighty-eight years, and that his wife Mehitable (whose maiden name was Gittings) died February 18, 1831, aged eighty-five years.

Of the family life of this couple upon their Ashfield farm, little is preserved. We know that Joseph was a soldier in the war of the Revolution, in the regiment of Colonel Elijah Porter, his enlistment beginning July 10, 1777.\* We know also that he was the father of two daughters and six sons, that one of these last was named Joseph, and that his wife was Anna Billings. Their son, Stephen Payne—for so the sirname now began to be

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\*Revolutionary War Archives, XXII, 37.

spelled—married Laura Elmer, who was born February 18, 1800. Among several children of this wedlock was Orrin Pierre Payne, born May 22, 1820, the father of the subject of this biography.

The home of Orrin, the natal spot of his son Henry, was not at Baptist Corners, but in Ashfield village, called also Ashfield Plain, and colloquially Shirkshire. The house was a two-story frame cottage, with ample porch in front, gambrel roof and dormer windows, sheltered with abundant trees and having a road leading along behind to the cosy barn. Here Orrin brought his wife Eliza Etta Ames, whom he married November 13, 1842. She was the daughter of Samuel and Amarylis (Mallory) Ames and was born at Stockton, New York, June 22, 1826.

Of their four children, two were born in Ashfield: Henry Clay, born November 23, 1843, and Imogene, born September 21, 1845. Imogene is the wife of Winfield Scott Cameron and resides at Jamestown, New York.

About 1846 the family of four removed to the neighboring village of Shelburne Falls. Although young Henry was thus separated from his native town when he was but three years of age, he never forgot Ashfield or neglected in mature manhood to visit the scenes of his infancy. Nor have the inhabitants of Ashfield ceased to take pride in one of the most honored of her sons. Since his death the people of Ashfield have requested, and received, his portrait for the adornment of their Town Hall.

In 1846 Shelburne Falls was a place of no little repute. It is a village split in two by the Deerfield River, which here severs Shelburne town from Buckland. At different times the Paynes lived on both sides of the Deerfield

River, which here is bridged. One of their homes was a white frame cottage, ivy trimmed, two stories in height, with sloping roof, and the porch extending outward to the walk in front. Somewhat later their home was one of a neat row of two story frame houses with generous windows and wide green blinds.

At Shelburne Falls were born the two younger of the children of Orrin and Eliza Payne. These were Frederick Wells, born August 26, 1847, and Mary Eliza, born April 7, 1851. The latter died when quite young; Frederick died in Milwaukee, Wisconsin, July 27, 1876, being then deputy collector of internal revenue in Milwaukee.

The Paynes of Shelburne Falls were not a family of wealth or even of moderate competency. Orrin Payne carried the mail between Shelburne Falls and Greenfield, and upon occasion was deputy of the high sheriff. He was a man of high character, of force and determination, and sought the advancement of his children. That he named his oldest child in honor of the great Whig leader of the United States not only indicates the trend of his politics, but suggests that the son may have inherited from his father his bent for public affairs. The father died December 20, 1886; the mother predeceased him on April 3, 1886. She also was a person of mental strength and native ability.

Young Henry's earliest essays at knowledge were in the district school. But, one day when he was about eight years of age he was observed to be peering curiously through the window of the private school on Conway Street, where his sister Imogene was at study. Asked his errand by the teacher, Miss Diana S. Bowen, he requested, and was accorded, permission to become a pupil.

Thus began a friendship between that young student and his teacher, which never faltered. Miss Bowen was one of those natural instructors who exert an abiding influence over the growing mind. That influence was especially exerted over Henry, in whose busy, thoughtful intellect she early saw the promise of great success. As long as he lived they maintained a frequent correspondence, while his gratitude for her counsels and respect for her instruction found annual expression more substantial than words. Miss Bowen, almost an octogenarian,\* still survives, in North Adams, Massachusetts, to mourn that too frequent reversal of nature by which fathers outlive their sons and teachers their pupils.

From Miss Bowen's school Henry passed to the Franklin Academy. This academy was a famous building when completed in 1830, for it was the first three-story structure erected in Franklin County, and people journeyed from all about to Shelburne Falls to gaze upon its dizzy height.† There was little inspiration to study in its plain brick walls, evenly punctuated with rows of unornamented windows, and with the bare playground in front. From this school Henry graduated in 1859.

But he had other employment than study while in Shelburne Falls. When yet quite young and so short that his eyes scarce appeared above the counter, he worked after school hours in the store of L. M. Packard. From this store he promoted himself eventually to a position in the village post office, Miss Bowen's brother, Alfred, being then the postmaster. The office then stood not far

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\*Miss Bowen was born in March, 1827.

†Crittenden's Personal Recollections, 17.

from the bridge upon the north side of the Main Street—an insignificant one-story affair with a plenitude of porch. Here for a stipend of one dollar per week, Henry did the daily chores and ran the early errands ere hastening to school. He did not occupy this position very long, however, yielding the place to his friend, Charles Albert Maynard, now of Northampton, Massachusetts.

The Payne family in Shelburne Falls, like their ancestors at Baptist Corners, were of the Baptist denomination and attended the ancient meeting house of that faith in Shelburne Falls—a brick, ivy-grown, Gothic-arched, square-towered building, still used as the Baptist church. Here preached the Rev. E. H. Gray, later a chaplain in the United States Senate; here Henry's mother and sister sang in the village choir, and here it was Henry's occupation regularly to pump the organ for the Sunday singing.

On Saturdays Henry's duties as secretary of The Band of Hope, called him punctually to its meetings. Declamations and recitations were the chief feature of these gatherings, and it was observed that the speeches of statesmen like Patrick Henry and Webster were his favorite efforts. Indeed it has not yet been forgotten in Shelburne Falls that political topics were often the theme of his conversation, and that these he could discuss with his elders with ability and skill. His father used to relate that when Henry, at the age of fifteen years, was recovering from typhoid fever, the burden of his daily request was that the newspapers should be saved for him until he was strong enough to read. Election day arrived ere he was fully convalescent and his father, at his earnest petition, carefully protected the young invalid and bore him to the polls that he might watch his father vote.

In the fall of 1859 Henry took his first brief flight from the parental roof, thus gradually severing the home ties which were soon to be perpetually broken. Yet Shelburne Falls always held a warm place in his heart. Thither he returned with delight long after the death of his parents abolished the home life there. To no other place did his own death bring keener sorrow. When the village was erecting a Memorial Hall for the soldiers of Shelburne Falls who died in the War of 1861, he was written to for a subscription of one hundred dollars. The money was forthcoming by return mail, with a cordial letter from Mr. Payne and an intimation that the subscription would have been much larger had it been asked.

In the lobby of the post office at Shelburne Falls, in the Shelburne Falls Club rooms, in the Arms Library, his picture, by the request of these institutions, now hangs, attesting the belief of those who gaze upon the face that they "have been made better by coming in contact with a nature so genial and genuine as Henry Payne's."

Beginning with the fall term of 1859 Henry and his friend, Charles Maynard, went together to Powers Institute at Bernardston, a place quite a distance northeast of Shelburne Falls, but in the same county of Franklin. The Institute was then but two years old, having been established by the liberality of Edward Epps Powers, a citizen of Columbus, Georgia, but a native of Bernardston. Henry and Charles roomed together during the terms of 1859 and 1860. Charles did not return for a second year, but his brother, Austin S. Maynard, later a merchant of Worcester, Massachusetts, was a pupil, and the roommate of Henry during the terms of 1860 and 1861. During this period Professor La Fayette Ward

was the principal of the Institute—a teacher highly spoken of by them of his tutelage, but compelled by failing health to abandon the scholastic life in 1870.

As the year 1861 and the age of eighteen years closed Henry's school privileges, it is not amiss here to record that he was a quick and keen student, that he grasped readily the problems and the principles of the subjects he pursued, that his habits were scholarly, his personality engaging, his heart kindly, and that he was ever ready to assist the perplexed plodder who lagged by the way.

## CHAPTER II

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*Northampton*

Henry's removal to Northampton, Massachusetts, was upon the advice of his former teacher, Miss Bowen, who coveted a wider field for her promising pupil. The exact date of this removal is not discovered, but it appears that Henry returned from Bernardston to his father's home in Shelburne Falls in the spring of 1861, and that within a year he had taken a position as a clerk in a store in Northampton. This was the store of F. R. Sherwin and Company—a partnership consisting of Frank R. Sherwin (a former Shelburne Falls acquaintance, somewhat older than Henry) and John Warner—dealers in dry goods and cloaks on Main Street, being the store now occupied by A. G. Fearing.

With this firm Henry remained until the senior member, inoculated with the Western fever, caused its dissolution, January 26, 1863. An advertisement in the papers of the next day, signed by Mr. Sherwin, informed the business world that "Henry C. Payne has power of attorney for the transaction of all business in the name of the subscriber. All business of the late firm is left in his hands for settlement." This was perhaps the first appearance in print of the name of Henry C. Payne—a name which, upon his death forty years later, filled the papers of the continent.

After closing up this business and after, for a few

days, "assisting Stoddard and Lincoln in taking an inventory and in writing up their books," Henry accepted employment as bookkeeper some two miles from the center of Northampton, in the office of the paper mill firm of William Clark and Company. The partnership was composed of William Clark and his sons, William and Lucius Clark. This employment began March 23, 1863, and continued until about the beginning of October, 1863, the compensation being at the rate of two hundred and fifty dollars per year. On the fifth of the latter month, having himself contracted the Western fever, Henry, as his diary tells us, "bade good-bye to Northampton."

We pause before following him to the city of his permanent home, because the glimpses of his daily life in Northampton, obtained from his diary and from the reminiscences of his Northampton friends, are very useful in enabling us to picture, and to appreciate, a character now pretty thoroughly formed.

Employing the sermonic method of dividing the subject, it will be said that the following traits of the youthful Henry's character appear:

Firstly, he took a deep interest in the affairs of his country. The struggle waging so bitterly and so unsuccessfully in 1862 for the preservation of the union of the states, lay heavily upon his mind. His interest found sincerest expression in his effort to enlist, and in his urging his friends, Charles and Austin Maynard, then in Boston, to follow his example. His recruiting letter thus reads:

NORTHAMPTON, Aug. 22, 1862.

FRIEND CHARLEY:

I am going to enlist in a company raising here. Now, won't you come and go, too? It is a good company and good men and

fellows in it. Some of the first in town. I hear that Austin is with you. Tell him to come up here with you and go with me. It is only for nine months, and you know that will pass away soon.

I leave as good a place as any one could wish. I never was so well pleased in my life. Have things all my own way. But you know we should not look to self as much now. We owe our lives to our country and to our God, and by the grace of God I will lay down my life for it.

Now come without fail. Don't mind your place. You can't be more pleasantly situated than I am.

Write me as soon as you receive this, telling me what you will do. Don't say you won't go. Write soon.

HENRY.

It is the fault of nature, not of Henry Payne, that his career was not military. He applied for enlistment in Company H of the Tenth Massachusetts Infantry regiment, but he was rejected as being too slight and as being undersized. This regiment and the Fifty-second Massachusetts regiment were largely composed of soldiers gathered from the neighborhood of Northampton and Shelburne Falls, and he followed the movements of these troops with great concern, marking their campaigns and the number of their casualties.\* Moreover, his diary for the year 1863 shows how his mind was running upon the struggle. Thus, under July 14, "Began to draft to-day;" under July 15, "Drafted in Buckland to-day;" under July 16, "Charles Field† drafted;" under July 16, "Came back to Greenfield, and saw them draft from Northampton.

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\*The Fifty-second Massachusetts was a regiment of nine months men whose service was in Louisiana. Its enlistment expired in August, 1863. The Tenth regiment served entirely in the Army of the Potomac. It was recruited June 21, 1861, and saw sanguinary service at Fair Oaks, Fredericksburg, the Gettysburg Campaign, the Wilderness, Spotsylvania and Cold Harbor. Its enlistment ended June 21, 1864, when ten officers and 137 men were discharged.

†Charles Field had been Henry Payne's roommate in the house of Mr. Henry Shepherd from the autumn of 1862 until the following spring, when Henry removed to the home of Mrs. Elihu Clark on Elm Street.

List of drafted men”—then follows a list of two hundred and twenty men, not a few of them doubtless Henry’s personal friends.\*

We read further, under May 6 and May 7 that the defeat of General Hooker at Fredericksburg was the “saddest news of the war;” under May 24, “Great news from Vicksburg;” under July 6, “Good news from army Potomac;” under July 7, “News of taking of Vicksburg, great rejoicing”—laconic entries in a laconic diary, yet disclosing the public spirit and patriotism of the lad of nineteen.

Secondly, Henry was scrupulous as to his obligations to his employers. His service was not merely a matter of regularly drawing his stipulated wage, but rather of substantially advancing his employers’ interests, which with loyalty and enthusiasm he invariably made his own. No clerk, shouting the praises of a competitor’s merchandise, could outtalk or outsell Henry. No friend of either sex, with any blandishment, could entice him to recreations or amusements during the hours mortgaged to another’s business. Thus early as ever afterward he conscientiously respected his contracts of service.

Thirdly, in Henry’s opinion there were other things in life besides work and worry. His was essentially a happy, joyous, mirthful nature. He found keen pleasure in sports and games; his look was on life’s bright side; his laugh was frequent, long and contagious. The limit of his love for fun and mischief was only reached when he caused grief or pain to others. His diary discloses many different kinds of congenial amusements—bowling,

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\*For account of the draft in Massachusetts in 1863, see War of the Rebellion Official Records, Serial Number 124, references in Index under Massachusetts.

boating, ball, chess, cards, fishing, hunting; while sedater diversions—concerts, plays, lectures, reading clubs—were not neglected. He was accounted in Northampton an excellent singer, and under his leadership the old-fashioned tunes were sung with such relish and in such ringing tones that even *Old Hundredth* and *Henley* ceased to be doleful.

A person thus genial and blithe, and withal generous and high minded, must win and hold a host of friends. This was Henry's lot—he made friends and he never forgot them. The universal opinion of those who have written of his early years is, that, with an attractive personality, he was considerate of children, chivalrous towards young women, hearty and whole-souled with his fellows.

Fourthly, earnestness and concentration were his leading characteristics. Nothing was done by him in a half-hearted way. A Northampton friend has written that, when he was reading, the surrounding world vanished from his thought. Seated one day in a boat, which he believed was moored to the river's bank, his face was buried in the pages of his book, only to be lifted to the realities of life when his bark bumped against a pier far down the Connecticut. The same earnestness was evident even in his games—they were played for results. He never sat at cards just “to make up a hand,” simply “to pass the time away,” but, like the celebrated Mrs. Battle, to win, and with all the “rigour of the game.” Not a few entries in his diary disclose the name of his partner, the names of the opponents and the score, which almost always was his victory. That same energy and desire to conquer, that same masterful spirit, ruled him later in

the sterner conflicts of his busy career and brought him victory in the end.

Fifthly, it cannot be said that at this time Henry made prominent the religious side of his nature. Yet his diary discloses his regular attendance upon Sunday services, while his frequent singing of the hymns of the church suggests his familiarity with their truths. Moreover, the letter above printed in which he urged two of his friends to enlist, betrays that Henry needed only the stimulus of deep emotion to reveal his reliance upon "the grace of God."

That the traits of his youth followed him into his maturer years there is no lack of evidence. One who knew him long and well, his political opponent, but his warm personal friend, wrote after Henry's death the following expressions as to his business and social traits. They proceed from the pen of Judge James G. Jenkins, of Milwaukee, formerly of the United States Circuit Court, seventh circuit:

He was a thorough business man, quiet, unobtrusive, but watchful and thorough. Once convinced of the proper course to pursue, he had the indomitable will to follow that course regardless of opposition, which only intensified his action. In that respect I have seen him tried as few men have been tested, and he came from the crucible refined gold. No consideration of mere business success could swerve him from what he deemed just and honorable. Against the opposition even of friends and associates in business, he stood for what he deemed the right. He was a high-minded, public-spirited citizen, generous to a fault, aiding every worthy public enterprise, helpful to the deserving needy.

It is, however, in the light of his social character that I love to consider him. Here he shone resplendent. When he could for a time lay aside the burden of life's cares and troubles, with boyish enthusiasm he revelled in the delights of social life and friendly intercourse. Here he was at home and at ease. He was loyal, sincere, true. His friends he "grappled to his heart with hoops of

steel." He loved their society. He loved their friendship, and to a marked degree he compelled the love of those who felt constrained to oppose his course. Bright, joyous, sympathetic, he delighted in the innocent pleasures of life with the ardor of youth. Only with the passing away of the friends who for a time remain, shall the memory of his genial and lovable character perish from the earth. The memory of his service to his country is secured in the history of the nation.

A single sentence from another political opponent, a dweller in a far distant state, Congressman Ariosto A. Wiley, of Montgomery, Alabama :

I knew him well and never met a more gracious and kindly, natural gentleman.

## CHAPTER III

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### Early Life in Milwaukee

The influence of his former employer doubtless brought Henry Payne to Milwaukee. Not a few jottings in the diary of 1863 refer to the subject: Under August 15, "Am going to Milwaukee;" August 17, "Morton\* is going to M. with me;" August 28, "Sherwin is to pay me \$700 per year;" October 5, "Went home on P.M. train for good;" October 11, "Start for Milwaukee at 12 o'clock to-night."

But the day before this start was made Henry returned to Northampton upon the invitation of the employés of the paper mill to accept their tender of a dinner to take place in the evening of October 10, at The Prospect House, upon Mount Holyoke. The dinner, which was attended by sixty-three persons, was followed by dancing, singing and walking upon the mountain roads until the night was fully consumed. The register of The Prospect House is still preserved at the hotel and contains Henry's autograph, with the address "Milwaukee, Wis."—evidence of his pride in the new life opening before him.

And now began Henry's sojourn from his home—a home which he did not see again for eighteen years. His father conveyed him and his mother by vehicle to North

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\*This was Josiah L. Morton, a Northampton friend, often mentioned in the diary. He left for Milwaukee earlier than Henry and was for a time his fellow clerk. Eventually Mr. Morton began business for himself on Spring Street.

Adams, where the train was taken for Troy, New York. At Troy a farewell visit was paid to his sister, Imogene, then a pupil at the seminary of Mrs. Emma Willard.\* He then visited in and near Salem, New York, with kinsfolk of his mother and bade her farewell on Saturday, October 17. His diary for Tuesday, October 20, records, "Rode all night and got to Chicago somewhat behind, took noon train for Milwaukee, got there at 9 p.m., took room at Newhall House"—a hotel which friends in Northampton had recommended. October 21 recites, "Began for Sherwin, Nowell & Pratt. Board on Jackson Street."

Milwaukee, to which city Mr. Payne made his bow in the fall of 1863, was a very insignificant municipality in comparison with the metropolis to which his lifeless body was returned in the fall of 1904. It was a city of about thirty-five thousand inhabitants, having nine wards, and with Mr. Edward O'Neil as mayor. No buildings of especial size or ambition lifted themselves skyward, there were no public water works, no park system and no show avenues. The post-office—an insignificant structure—stood on the northwest corner of Wisconsin and Milwaukee Streets, Mr. John Lockwood being postmaster. A street car company, known as the River and Lake Shore City Railway Company, with Mr. George H. Walker as president, had a single track on East Water Street, from Walker's Point bridge to Division Street,† and a branch to Prospect Street by way of Wisconsin, Jefferson, Biddle,

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\*At the suggestion of Miss Diana S. Bowen, Miss Payne was attending this seminary to qualify herself as a teacher. The entire expense of her transportation and tuition was met by her brother Henry.

†Now Juneau Avenue.

Van Buren and Division Streets—the rolling stock, three two-horse vehicles and two one-horse vehicles. What is now the Public Library, with its ornate building on Grand Avenue, then consisted of a meager collection of literature belonging to the Young Men's Association, housed in rented quarters at Number 91 Mason Street. The shipping to and from Milwaukee was then meager; the steam railway service was feeble, and the various roads unconnected. Indeed, the present full-blown rose Milwaukee was, in 1863, just beginning to bud.

The firm with which Mr. Payne became associated—for now that he has approached his majority, he must no longer be styled Henry—was composed entirely of men then new in Milwaukee. Mr. Sherwin had preceded him from Northampton by a few weeks only; Edward F. Pratt was a young merchant, recently from the East, who lived at first at the hotels, but later, upon his marriage, resided upon the lake front; Winslow A. Nowell had arrived this same year from the city of New York, a youth seeking his fortune.\* The firm was established in the business of selling dry goods at wholesale and retail at Numbers 372 and 374 East Water Street, a store on the east side of the street between Wisconsin and Michigan Streets. Among the competitors of this new partnership there are still existing in Milwaukee under varying change of name, T. A. Chapman and Company, Goll and Frank, Kroeger and Brother and H. Stern, Junior and Brother.

But the new firm as first constituted was of short dura-

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\*Mr. Nowell also made Milwaukee a permanent home. He was a friend and political associate of Mr. Payne, and died in Milwaukee, aged sixty-five years, April 26, 1905. Mr. Pratt died February 25, 1886.

tion. Indeed, in January, 1864, a dissolution had taken place, the senior partner had removed to New York, where his interests were now located, and Mr. Payne, with a power of attorney, was conducting the business in the same store, he being the silent partner in the firm. The new business continued some two or three years and then came to an end. There was too little capital for success; Mr. Payne, whose sole resources when he arrived in Milwaukee in 1863 were fifty dollars, was in no financial condition to bolster up a business in which competition was eager and brisk.

In 1868 the firm of H. C. Payne and Company was in existence at the same numbers on East Water Street, in the same general line of trade.\* This partnership was also of short duration, and the business passed into other hands. In 1869 Mr. Payne opened a store with Mr. William H. Crombie at Number 385 East Water Street, also for the sale of dry goods. But it was not intended that Mr. Payne should succeed as a merchant. The new firm existed somewhat more than a year and in 1871 Mr. Payne was out of business—convenient opportunity for the now approaching career in which his name was to shine resplendent.

Mr. Payne's early domestic life in Milwaukee was migratory. He tells us in his diary, of date next after his arrival, that he went to "board on Jackson Street." Then we read, "Went to minstrels in eve with Morton and his uncle." On December 16, 1863, he notes, "Went to Mrs. Saxes' on Main Street† to board—room at store." In

\*Mr. John G. Gregory, now of the *Evening Wisconsin*, Milwaukee, who worked for above firm in 1868, states that Mr. Payne invariably "enlisted the loyalty of his workmen."

†Main Street became, later, Broadway.

1865 Mr. Payne was living on Prospect Street near Knapp Street, but in 1868 he enjoyed hotel life at the Newhall House. Thence he went to board at Number 210 Biddle Street, and was dwelling there at the time of his marriage. Thereupon the couple kept house for a brief period at Number 114 Prospect Street.\* From 1889 until their removal to Washington, they resided at Number 586 Astor Street.

Some five years after Mr. Payne's arrival in Milwaukee, there visited in that city at the residence of her sister, Mrs. Charles P. Jones, at Number 570 Waverly Place, a young lady from the city of New York, Lydia Wood Van Dyke.† Mr. Payne formed her acquaintance, gained her friendship, sought and won her in marriage—an event which occurred in Mount Holly, New Jersey, October 15, 1869.

Upon the privacy of the home thus established this book seldom intrudes. Suffice it to say here, that not long after her marriage Mrs. Payne became afflicted with rheumatic gout, resulting in chronic invalidism and in a daily routine almost completely sedentary. Those intimate with Mr. Payne in his early wedlock delight to recall the affectionate care with which he waited upon his wife, wheeling her in her chair either for exercise or social visits, and otherwise watching over the fragile existence

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\*Prospect Street did not become Prospect Avenue until about 1876.

†She was the daughter of Richard Van Dyke, Junior, and Mary Ware Thomas, both of the city of New York. Mr. Van Dyke commenced his early business life as a member of the firm of Bleeker and Van Dyke, real estate auctioneers. Mr. Bleeker was much older than the junior partner. The latter soon withdrew from this partnership and formed with Mr. Bleeker's relative, Theodore Malaby, the real estate firm of Van Dyke and Malaby. Still later Mr. Van Dyke went into other business.

entrusted to his love with unwearying anxiety. That devotion never flagged during a union which, although childless, was congenial and sympathetic. The career of the invalid thus tenderly cared for outspanned that of her husband. This wreath is placed upon his tomb by the wish of his wife, in loving memory of him who, during his early manhood and in his advancing age, in his poverty and in his affluence, in his obscurity and in his renown, made her his constant and affectionate solicitude.

CHAPTER IV

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### **Early Elections**

Not long after removing to Milwaukee, Mr. Payne connected himself with the Young Men's Association of that city, whose collection of books and periodical literature and whose winter lecture courses were well calculated to avert loneliness, occupy leisure and supplement an education all too limited. Mr. Payne became an influential member of the Association and, on May 8, 1866, was elected a trustee in one of those mimic skirmishes, characteristic of the Young Men's Association, which had all the elements of excitement and vigor peculiar to a political contest. Mr. Alfred L. Cary of Milwaukee has written an account of this election which I cannot refrain from transcribing:

For several years I had been secretary of the Association and active in its management, and became ambitious to be its president. I came out as a candidate for that office at the annual election in May, 1866. As there were to be two tickets in the field and a lively contest, I sought to make my ticket as strong as possible, and with that view solicited Mr. Payne to be a candidate for one of the trustees. He readily assented, and entered into the contest with a remarkable activity and zeal, which could only have been prompted and guided by a natural love and aptitude for conflicts of that character. The battle was a royal one, and when its smoke had cleared away and the result ascertained, Mr. Payne was found to be the only candidate upon our ticket who had been elected. It was his personal popularity which made him successful at this time, and I have often thought that perhaps this little experience and success at an election of the Young Men's Association was the initiative of that

larger experience and success which Mr. Payne afterwards had in the city, county, state and national campaigns, and which made him famous as a political manager.

It was Mr. Payne's genial companionship which endeared him to his friends, and in the enjoyment of which they would forget that he was one of our most distinguished citizens.

Mr. Payne continued to support the Association during the presidencies of Loyal R. Durand (Mr. Cary's competitor), John Nazro, Henry H. West, James G. Jenkins, John E. Eldred, Robert Hill and Charles L. Peirce.\* On May 13, 1872, Mr. Payne was elected the secretary of the Association, and on May 11, 1874, he succeeded Mr. Peirce as the president and served for one year.† Thereafter Mr. Payne was never a candidate for any elective office, civil or political.

But Mr. Payne's mind had long been occupied with contests of wider scope and larger import. The state elections of 1863 were of intense interest throughout the north. These elections afforded the voters their first opportunity to express their opinion on the attitude of the party in power in continuing the enlistment of soldiers for the war for the Union, even to the extreme of drafting them. Mr. Payne's diary for 1863 shows his interest in this subject, even though he had not then reached voting age: November 3, "Went to Union headquarters under Newhall House; great rejoicing over result;" November 4, "Republicans carried all the states; made a clean sweep."

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\*Of these young men two, Judge Jenkins and Mr. Eldred, survive as citizens of Milwaukee. Mr. Hill died July 3, 1906, while this chapter was in writing.

†Some two years or more after Mr. Payne's term as president expired, the Association, which had existed since December 20, 1847, transferred its property to the city of Milwaukee. This took place March 8, 1878, under the authority of Chapter 7, Laws of 1878, approved February 7, 1878. The present public library of the city is the result of this action.

Mr. Payne, although an ardent Republican, did not become actively connected with his party organization until the year 1872. At that time a great wave of disaffection had spread over the country, affecting very many German Republicans, while political paralysis had seized the Republican leaders in Milwaukee. It was the year of the second campaign of General Grant for the presidency of the United States, Horace Greeley, the talented but eccentric editor of the *New York Tribune*, being his opponent for the high office. As the campaign progressed Mr. Payne became restless at the inactivity which prevailed in his home city and he invited several of his friends to meet at his office, to consult if it were not the duty of the young men to work together systematically and vigorously to save the Republican party in Milwaukee from annihilation. The outgrowth of this conference was the formation of the Young Men's Republican Club—an organization destined to become of great political influence. Mr. DeWitt Davis presided at the initial meeting of the Club; Mr. Charles L. Peirce was the first president, Mr. Payne the secretary, Captain Irving M. Bean the chairman of the executive committee. Other of the very early members were Mr. Henry Fink, Mr. Robert Hill, Mr. Louis Sholes, Mr. Akerley Townsend, Mr. Frederick W. Payne, Mr. Lemuel Ellsworth, Mr. David Vance, Mr. Winslow A. Nowell and Mr. John M. Ewing. The objects of the Club were to dispel the lethargy in the ranks of the party, to bring out the full Republican vote in the election then imminent and to spread abroad such documents and other literature as should constitute an apostatizing propaganda. Milwaukee was not then a Republican city—the trend of sentiment was intensely

Democratic. To overcome this sentiment, to convert the individual voters by the leaven of argument and instruction working through the inert or opposing mass—these results the Club hoped to accomplish. In this work Mr. Payne was the active, ruling spirit; the ceaseless, untiring plodder.

The result of the presidential election of 1872 in Wisconsin was in favor of General Grant, by a majority over Mr. Greeley of 18,515 votes—a large majority in those days of even party strength. Along with this success came a Republican majority in the legislature of Wisconsin, insuring the re-election of Mr. Timothy O. Howe to the senate of the United States, an event which took place January 21, 1873, and was to be of great moment to Mr. Payne. In Milwaukee county the result of the fall election of 1872 was a majority against General Grant of 3,171 votes—a number showing how gigantic was Mr. Payne's self-imposed task of converting Milwaukee into a Republican county. That he succeeded fully in this task before he laid his armor off, no Democrat will deny.

The activities of the Club during the campaign of 1872 had been so promising that Mr. Matthew H. Carpenter, who was then serving his first term in the senate of the United States, insisted that the organization, instead of disbanding as had been contemplated, should become permanent. Moreover, he declared his purpose to strengthen it in every way within his power and as a token of his good will he in November, 1872, tendered to Mr. Payne, then twenty-nine years of age, the position of postmaster of Milwaukee.

Early in 1872 Mr. Payne had established himself as an insurance agent at Number 17 Newhall House block,

where he was connected more or less intimately with Mr. Benjamin M. Weil\* and where both gathered around them a profitable *clientèle*. Therefore Mr. Payne, although flattered by the offer of an influential federal position, had the courage to decline it and to continue his occupation. This occupation he continued at the same place until, early in 1876, the offer of the post office was again made to him and accepted.

This renewal offer grew out of the bitterness which had been engendered in the Republican ranks during the contest in the legislature of 1875 over the election of a successor to Mr. Carpenter in the Senate. The defeat of Mr. Carpenter as his own successor, which occurred, was very disheartening to his friends in Milwaukee who constituted ninety per cent. of the Republicans there. Mr. Angus Cameron having been elected February 3, 1875, Senator Howe tendered unsolicited the Milwaukee post office to Mr. Payne as one of Mr. Carpenter's most zealous, active and trusted friends. Concerning Senator Howe's offer Mr. Payne himself stated later, "If I did not take it, it would go to some one who had been identified with the opponents of Mr. Carpenter. Believing that such a result would prove a most disastrous calamity to the party organization in Milwaukee I somewhat reluctantly consented to take the place. This is how I came to be postmaster."

He was then a little more than thirty-two years of age.

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\*Mr. Weil died in Milwaukee, October 24, 1901, aged fifty-one years.

CHAPTER V

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*The Milwaukee Post Office*

Mr. Payne was appointed postmaster of Milwaukee as successor to Mr. Samuel C. West, on the fourth day of February, 1876, his commission bearing the signatures of President Grant and of Mr. Marshall Jewell, postmaster-general. Upon the expiration of his term of four years there was an attempt made by some political enemies to discredit him and to cast odium upon his management of the office. However, his reappointment was asked by the most influential business men of both parties, headed by Mr. Alexander Mitchell. Moreover, his record at the office of the postmaster-general in Washington was of the highest. He was recommissioned for four years on the twenty-ninth day of January, 1880, his commission being authenticated by President Hayes and by Mr. David M. Key, postmaster-general. He was confirmed by the Senate without opposition. On the fifth day of February, 1884, he was reappointed for a term of four years, his commission being signed by President Arthur and by Mr. Walter Q. Gresham, postmaster-general. But these four years of service were not permitted to elapse. A notice, dated May 31, 1885, from President Cleveland suspended Mr. Payne from office "in accordance with the terms of the 1768th section of the Revised Statutes of the United States"—a section clothing the president with

such suspensory power during the interim of Congress. The cause of Mr. Payne's removal was, of course, his "pernicious activity" as a "politician."

His successor in the post office was Mr. George H. Paul.

When Mr. Payne, in February, 1876, entered upon the duties of his office, its entire business was accommodated on the main floor of the Government building, which then stood on the northwest corner of Wisconsin and Milwaukee Streets, the site of the present Wells Building. Before his service closed, the office occupied in addition the entire basement and a portion of the second story as well. Besides this, to keep pace with the growing needs of the city, Mr. Payne caused five sub-stations to be provided, two of them fully equipped post offices, doing a large business, and he was providing for two other sub-stations when his decapitation occurred. The revenue of the Milwaukee post office for the year 1875 was \$136,450; for the year ending June 30, 1883, it was \$257,115 and for the year ending June 30, 1884, it was \$244,941—a decrease due to reduction in rates of postage. In 1876 twenty-six letter carriers were employed; in 1884 there were forty-four. In 1876 the business portion of the city together with a limited portion of the residence district had mail delivered but twice daily, while large sections of the outskirts were entirely without the service of the carriers. In 1885 the business districts were served four and five times daily and an extra delivery made at nine o'clock in the evenings to the hotels and newspaper offices, while there was no part of the city so remote as not to be reached by the carriers, and the more thickly settled districts received mail three times

daily. Under Mr. Payne the post office was kept open for the delivery of mail and for the sale of stamps until nine o'clock at night and for money-order business until six o'clock in the evening, and arrangement was made with the local banks to receive money-orders and postal notes on deposit. The money-order department increased from 67,857 transactions involving \$2,490,064 in 1876 to 162,191 transactions involving \$5,084,559 in 1884. The registry department increased from the handling of 45,204 pieces in 1876 to the handling of 266,993 pieces in 1884.

The presentation of these dry statistics must not be thought aimless. These details and figures are useful if they show that a man bearing the opprobrious name of "politician" may still be able to attend to an important government position intelligently and conscientiously and adapt the business of that position to the ever increasing needs of a thriving, growing community.\*

On May 30, 1885, the evening before his retirement from the post office, an address was presented to Mr. Payne by the one hundred and six employés of the post office. This address was prepared by a committee of their number—Mr. Daniel W. Fowler, assistant postmaster, Mr. George A. McGarigle, superintendent of city delivery, and Mr. Jerome B. Johnson,\* superintendent of mails—and was read to Mr. Payne by Mr. Fowler in the presence of the entire clerical and carrier force of the office. As

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\*For the early history and growth of the Milwaukee post office consult an article in the *Evening Wisconsin*, Milwaukee, October 22, 1879.

\*These three gentlemen are still living and Messrs. Fowler and Johnson are still in service at the Milwaukee post office.

this address discloses the sentiments with which Mr. Payne had inspired his subordinates during the nine years of his régime, it is here preserved:

MR. HENRY C. PAYNE:

The assistants and employés of the Milwaukee post office, who have been associated with you while you have held the office of postmaster, for a part or all of your term of public service, cannot permit the occasion to pass without some expression of their appreciation of the kindness and courtesy which they have uniformly received at your hands.

They had desired to unite in the presentation of a suitable memento, which might be retained in after years in evidence of their unfeigned regard and esteem, but being advised that your wishes would be best consulted by the abandonment of this purpose, they are left only the alternative of joining in a communication, which you are asked to receive—as you doubtless will—in the same kindly spirit that dictates it. Such a communication may seem to those who do not appreciate the sentiment that prompts it, an empty and unmeaning formality, but you will not so regard it. The relations which have so long existed between us, the interest which you have always taken in each and all of your subordinates, and the encouragement and aid which you have given us in the endeavor to render the Milwaukee post office an efficient and acceptable agent of the people of the city, will enable you to understand the feeling which seeks expression in these lines.

It is proper for us to certify to the many improvements made by you in every branch of the service, in the additional conveniences given to the public, in the extension of the postal facilities to all parts of the city, in the more frequent delivery of the mails, and in every way keeping the service up to the highest standard, not only in its relations to the public, but in the improved methods of doing business inside the office. And it is gratifying to know that your administration has merited the warmest commendation of the Post Office Department, and received the approval of the business community and the public in general.

The severing of such relations, personal and official, after so long a term of service, occasions us unfeigned sorrow, and we part with you with the cordial wish for your future happiness and prosperity.

It is unnecessary to say more, but you are at liberty to read between the lines a warmth of kindly sentiment and affection which formal phrases but inadequately express.

To these kindly expressions the retiring postmaster replied at great length, reviewing his administration, noticing the growth of the office and of its business since 1876 and declaring that the loyalty and fidelity of the employés in the office materially assisted in the success which had been achieved. Mr. Payne's reply closed with this language:

In parting with you, it would be useless for me to say that I do so with regret. Associations lasting during a period of ten years, uniformly pleasant as ours have been, cannot be severed without a pang; and yet my chief sorrow comes from the knowledge that my retirement may mean to many of you loss of place after many years of faithful, efficient service—a service which in a measure unfit you for other avocations.

The operations of the civil service law should protect many of you; and I trust that the time is not far distant when the tenure of clerks and subordinate employés of the government may be entirely freed from the domain of party strife, and their places be absolutely secure so long as they render satisfactory service.

For my successor I entertain the kindest feelings and the highest respect. He enters upon the discharge of the duties of the office under peculiar and trying circumstances. I bespeak for him the same generous support which you have accorded me. It is due you all to say that never during my ten years' service have I been deprived of a single hour's sleep or passed an anxious day on account of fears that any of you were betraying my confidence. If my successor can say as much at the close of his official term he may indeed esteem himself a fortunate man.

In retiring to private life I carry with me nothing but the pleasantest memories of our long association; and I tender you my most heartfelt thanks for the many kindly expressions, not only contained in your communication, but manifested to me personally, always.

A few paragraphs in these closing words require special comment. Reference is made to his remarks as above quoted, upon tenure of office during good behavior. Mr. Payne is usually pointed to as the chief exponent of the "spoils" system, the champion believer in removal from office in order to reward party service. And there is foundation for the opinion that during his early in-

cumbency of the post office he had no sympathy with the principles of the civil service law as later enacted. He was then a strong party man. In reply to some public criticism upon a removal he had made, he printed a card not long after his appointment in which he stated, "I prefer giving employment to Republicans, other things being equal," "As long as I am postmaster, I shall employ only Republicans if I can find those that are competent."

Bold and strong as is this language, it is well to believe that a wise man changes his views if he finds them wrong. Certain it is that Mr. Payne's later history would justify the opinion that he had at least modified these views. On January 16, 1883, Congress passed the first law for the regulation of the civil service.\*

For almost seven years therefore there had been no check upon Postmaster Payne's control of his employés, to discharge them at will. Of the twenty-two clerks in the office at the time Mr. Payne took possession in February, 1876, ten were still employed when he was removed. Of the twenty-six letter carriers who were employed at the time of Mr. Payne's appointment, fourteen served during his entire term. Of the ninety-four persons, excluding messengers, who were employed in the post office when Mr. Payne was removed in the spring of 1885, twenty-four, as just stated were so employed when he was appointed in February, 1876; twenty-nine were appointed under civil service rules; five only were new appointments made in 1876; three in 1877, five in 1878, four in 1879 and one in 1880 when his term was half over.

Nor can these dry figures be considered pointless if

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\*<sup>22</sup> Statutes at Large 403.

they tend to prove that the new "politician" postmaster made no wholesale overthrow of the office employés, but that on the contrary he accepted and retained the force as he received it, that he made new appointments from time to time only as necessity or increase of business required and that the civil service rules were acted upon unquestioned as the governing rules of the post office.

But it may be claimed that Mr. Payne made few removals because he inherited from his predecessor Republican employés only, that he received the civil service act upon compulsion and that he enforced its mandates grudgingly. A partial answer to such a claim is that the civil service act as passed January 16, 1883, was not obligatory upon the Milwaukee post office which did not then employ fifty clerks. Application by the postmaster was necessary in order to make the act applicable. Sixteen days after its passage Mr. Payne wrote the following letter to the postmaster-general, Mr. Timothy O. Howe:

MILWAUKEE, January 31.

SIR:

I have this day forwarded to the first assistant postmaster-general a roster of the clerks employed at this office. If not inconsistent with your views I would respectfully ask that this office be placed under the provisions of the civil service bill.

Yours truly,

H. C. PAYNE, P. M.

Equally significant with this act on his part is the following: During the spring of 1885 and while the sword of removal was threatening his head, his potential influence and assistance were employed in securing the introduction of civil service rules into two important departments of the government of the city of Milwaukee.

In the legislature of Wisconsin in 1885 a bill had been

pending for the establishment of a board of fire and police commissioners for Milwaukee. Such a bill was an innovation in Wisconsin and its passage was not at all relished by that large body of citizens who coveted jobs as firemen and policemen. The measure, although it had for its sponsors such citizens as Mr. Jerome R. Brigham and Mr. Frederick C. Winkler, stood little chance of stemming the tide of prejudice until Mr. Payne who had had two years' experience with the federal law and who knew its value both in the betterment to the service and in the freedom from importunity which resulted from it, readily gave his time and influence to its support. The result was, through his argument and persuasion, the enactment of the bill into law.\* Although repeated efforts have been made to amend it into weakness all these attempts have failed. The present admirable efficiency of both these departments is directly ascribable to the benevolent features of this law, whose passage was due to the influence of one claimed not to be a believer in its fundamental principles.

That Mr. Payne consistently and intelligently supported and upheld the Civil Service Law when he reached Washington, the busiest theatre of its operations, will amply appear ere this biography closes.

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\*It was approved by the governor April 11, 1885, and is known as Chapter 378 of the Laws of 1885.

CHAPTER VI

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**The Milwaukee Club Dinner**

About a fortnight after Mr. Payne's retirement from the post office, on June 16, 1885, a complimentary dinner to him and to Captain Irving M. Bean\* took place at the Milwaukee Club. The invitation, dated May 28, 1885, proceeded from Mr. Richard Guenther, of Oshkosh, who then represented the Sixth Wisconsin District in the House of Representatives, and the compliment so far as Mr. Payne was concerned was in recognition of the excellent record he had made as a public official and the valuable services he had rendered to the Republican party for many years. The dinner was largely attended, the company including Senator Philetus Sawyer, all the Republican congressmen of Wisconsin except one, and other prominent members of the party scattered about the state.

Mr. Edward Sanderson acted as the toastmaster. The response by Mr. Payne to Mr. Sanderson's introduction reviewed his own relations with the Republican party from the time of the foundation of the Young Men's Republican Club in 1872, and gave a history of its triumph.

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\*Captain Bean had been Collector of internal revenue for the Milwaukee district and had also been removed by President Cleveland. He is mentioned by Senator John C. Spooner as "the scholarly, refined gentleman, of many accomplishments, purity of character, and exceptionally bright record as a public servant." His tender tribute to the memory of his friend Henry, which now lies before me, discloses the warmth of the sympathy between these two longtime friends. Captain Bean is still living in Milwaukee.

He mentioned his fellow warriors in the different political contests—those who had died, those who had retired from warfare, those who were still wearing their armor. His words of advice at the close of his address emphasize what was his idea of a political combat—to bombard the enemy's voters with arguments through speakers and documents—the campaign of individual education. These were his words:

It has seemed to me at times that we did not adopt the wisest and best methods in the conduct of our political campaigns. We wait until the last moment and then rush into the contest unprepared, employing crude, and oftentimes the least effective material to accomplish the desired results, relying upon arguments and literature ill adapted to the purpose. How much better it would be to present our arguments to the people continuously and systematically when the heat of the campaign is not on them, at which time they believe little if anything of what they hear or read, but are governed by prejudice and passion.

Steps should be taken now to lay the ground-work, not only of the campaign of 1886, but of the great struggle of 1888.

In severing my official relations, my chief regret has been that it terminates my associations so long and pleasantly maintained with my official colleagues. We have ever dwelt in harmony, and I shall ever cherish the years in which we have dwelt together in the official household, as the pleasantest of my life. And to you, my political associates, what shall I say? I have sometimes felt that the position which I have held in the party has been a most thankless one; but your presence here to-night, and the many kind and flattering words spoken, tell me it is not so. Our party leaders throughout the state in every town and village are among the brightest and best of our citizens. I desire to thank them, for myself, and for the State Central Committee, for the uniform promptness, zeal and intelligence with which they have always responded to the suggestions and requests of the Committee. And whether in the future I shall remain with you, or the necessities of business shall take me from amongst you, I shall ever cherish the kindest and most grateful memories of our ten years of service in the interest of the Republican party of the State of Wisconsin.

Invited persons who were unable to attend the dinner sent letters in acknowledgment of the official and political

services rendered by Mr. Payne and Captain Bean, mingled with strong expressions of criticism and disapproval of the executive act which deprived the public service of qualifications like theirs. Letters were read from, among others, Governor Jeremiah M. Rusk, Mr. Angus Cameron, Mr. James H. Howe, Mr. Horace A. Taylor and Senator John C. Spooner. Two sentences in the letter of the last writer deserve quotation, as summing up the political side of Mr. Payne's character and especially as showing how he was regarded by his political opponents:

Payne is a born leader of men, possessed of superb ability as an organizer, of tireless energy, unwavering in his devotion to the principles of his party, unselfish and self-sacrificing in the personal services he yields to the cause in which he believes. He deserves the gratitude of every Republican, as he has won the respect of every Democrat who likes a fair fight, and admires an opponent who deals hard blows, and takes them in return like a man.

The closing portion of this quotation furnishes an apology for presenting extracts from three letters written by political opponents of Mr. Payne and which confirm Senator Spooner's opinion that the Democrats liked him. The following is from the pen of Mr. Edward C. Wall, of Milwaukee:

Mr. Payne and I differed radically in politics. Several times we were actively identified in the management of campaigns on opposite sides, striving with all the energy and ability each of us possessed to defeat each other. This, however, did not disturb our friendship, neither did the fact that some suspicious adherents of our respective parties misconstrued this and criticised it unkindly make the slightest difference in our intercourse or social relation. The fact is that Mr. Payne and I never discussed politics except as gentlemen do in a general way among themselves where they differ.

While Mr. Payne was a hard fighter and a hard hitter, as well as a most resourceful leader politically, he was at the same time generous to his political opponent.

Sir Thomas G. Shaughnessy, now of Montreal, Canada, thus records his impressions of Mr. Payne as a public man:

Excepting on one occasion, when I was a supporter of Matt. H. Carpenter for the United States Senate, Mr. Payne and I were never in accord politically in the early days. He was a Republican leader—indeed, to my mind, the leader not only in the Milwaukee district, but in the State of Wisconsin, while I was an humble member of the Democratic party.

Shrewd, capable, reserved and an excellent judge of men, Mr. Payne was the ideal man for political management. One of his most striking characteristics, however, was his unselfishness. He played the game for the party and its candidates without apparently making any effort for his own preferment. I cannot recollect that in my day he was ever a candidate for an elective office. True he held the position of postmaster for a time, but in those days politics permeated the public departments, and in that position he had opportunity to keep in touch with political affairs not only in his own district, but throughout a considerable portion of the Northwest. His efficiency as a member of the Republican National Committee was recognized and appreciated by such men as the late Senator Hanna, whom I knew intimately and who frequently spoke in terms of admiration and affection of his colleague from Wisconsin on the committee.

When I knew him best I had implicit confidence in Mr. Payne's unimpeachable honesty, and during the last quarter of a century every word that reached me from any quarter tended to confirm that conviction. His friends knew him as a loyal and devoted friend; his foes, and they were only political, recognized his genius for party organization and strategy. Henry C. Payne was indeed a citizen who brought credit and honour to his state, and whose memory will be cherished for generations to come.

Mr. William F. Vilas, of Madison, Wisconsin, Mr. Payne's predecessor as postmaster-general, in the cabinet of President Cleveland, writes at length, and because ex-Senator Vilas as a lifelong Democrat knew and appreciated a worthy opponent, I draw quite extensively from his recollections of Mr. Payne:

He seemingly possessed a natural liking, as well as marked natural aptitude, for the management of contests in the political

arena—the enjoyment, doubtless, of the exercise of conscious power. I never knew whether it was this native tendency, or devotion to personal friends, which first turned him to that field of effort. Certainly, one could hardly manifest less of personal ambition or self-seeking, although his labors, cares and performances ranged over long years and trying controversies, while, as chairman of the State Central Committee and state representative in the National Committee, his masterful hand was upon the helm of his party, dominantly in the state and finally almost so in the nation. It was, indeed, but the mortal stroke which unloosed that grasp.

Probably, no man anywhere ever essayed political or public service without misconception by opponents, and, not uncommonly, by many even in party accord. The measure of success is also generally the gauge of feeling in antagonism and misjudgment. If Mr. Payne encountered it, he not only shared the common fate of public labor, but found in it the mark of achievement. Assuredly he won from those over whom he secured so many triumphs, the acknowledgment due his high ability, keen insight, steadfastness of purpose, with genuine, and for the most part also generous, cordiality; and in the constancy of his friends not less than the distinction of exalted office lies undeniable testimony of the eminence he attained in the estimation of his fellow men.

This affords no fitting opportunity to speak of his official labors, were I so acquainted with their circumstances as to warrant it. The recall of him to which my memory clings with affectionate fondness, turns especially to the charms of his personal intercourse. His gifts from Nature, bettered by culture, in sunny temperament, kindly disposition, frank, open, manly ways, gentle courtesies of manner, rendered him ever a delight to the companions he accepted. It was like a sunburst through a cloudy sky to happen upon his welcoming cheer at meeting a friend; while his animation, humor, bright wit and ready mind, infused by kindness of heart, gave every succeeding moment of communion fresh enjoyment. One never failed to receive responsive appreciation and with it, keenly discriminative judgment, of a fact stated or a proposition advanced, whether in pleasantry or serious affairs. Nor ever was wanting that essential of good fellowship, confidence in his truth and integrity, the ease of an absolute security in his fidelity to all the obligations of honor in every personal relation.

CHAPTER VII

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**“Milwaukee a Republican County”**

To explain the frequent references to Mr. Payne's political achievements it is necessary to return again to the Young Men's Republican Club. As has been stated this organization was not permitted to disintegrate in 1872. Its existence under the name of the Central Republican Club was perpetuated, with the resolution of making Milwaukee county and city Republican in politics. It was unable in 1874 to accomplish the defeat of Mr. William P. Lynde, Democratic candidate for Congress from the Fourth District, although his vote in the county was reduced to a majority of 1,404 ballots over Mr. Harrison Ludington. At the state election on November 2, 1875, the Republicans made herculean efforts to carry the state, more particularly because the governorship had fallen without good reason into the grasp of the Democrats in 1872. Governor William R. Taylor was a candidate for re-election in 1875 and against him the Republicans nominated Mr. Harrison Ludington, three times elected mayor of the Democratic city of Milwaukee. The contest was very exciting and enlisted all the ardor and energy of Secretary Payne. When the ballots had been counted it was found that Mr. Ludington had carried the state by 831 votes over Governor Taylor, but that the remainder of the Democratic ticket had been elected. The county of Milwaukee which, in 1873, Governor Taylor

carried by a majority of 6,379 ballots, polled him a majority of but 1,219 votes in 1875—a loss of 5,160 votes. It was a brilliant throng that attended the inauguration of Governor Ludington in January, 1876. Mr. Edward K. West,\* in a notice about Mr. Payne, writes:

I was one of a merry party from Milwaukee who attended the inaugural ball at the time of the election of Governor Harrison Ludington. Mr. Payne seemed to be the bright particular star at that time, the director general by common consent.

The Central Republican Club, managed by its restless, busy secretary, Mr. Payne, attacked the enemy again in the presidential campaign of 1876, rendered ever memorable by the contest of Governor Rutherford B. Hayes against Mr. Samuel J. Tilden. In the city of Milwaukee the Democrats made loud boasts—they would carry the city by so large a vote that the Republicans in the remainder of the state could not overcome the majority. Vain bragging! The Democrats carried the city by a meagre majority of 1,381 votes, the county by 2,019 votes and lost the state by somewhat more than 6,000 votes. Commenting upon this situation the Milwaukee correspondent of the *Chicago Times* wrote to his paper:

That the Democratic majority in this intensely Democratic city and county has been reduced from the sublime to the comparatively ridiculous in the way it has been is one of the wonderful feats of the day and Henry C. Payne is chief conjuror.

Upon the conclusion of this presidential campaign it was deemed wise to form a new organization of the Central Republican Club which should be more fairly repre-

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\*Mr. West was the son of Mr. Payne's predecessor as postmaster and served as the head of the money-order department during all the administration of Mr. Payne and a portion of that of Mr. Paul. Mr. West's summary of the character of his chief, Mr. Payne, is most interesting.

sentative than the Club of the growing Republican party. At its annual meeting in the winter of 1876-7 a committee consisting of Mr. Payne, Mr. Albert B. Geilfuss and Mr. John H. Manschot was appointed to report a new permanent plan of organization. This committee reported, and the Club adopted, a plan for the formation of the Central Committee of the Republican party of the city and county of Milwaukee—a lengthy name popularly shortened into the Committee of One Hundred. Of this committee Mr. William E. Smith was the president and Mr. Payne the secretary. The object of the committee was single—to conduct the Republican campaigns in the city and county of Milwaukee. Not long after its formation Mr. Edward Sanderson succeeded Mr. Smith as chairman of the committee, owing to Mr. Smith's election as governor, and Mr. Payne added to his duties those of secretary and treasurer of the State Central Committee.

The Committee of One Hundred tested its mettle in the gubernatorial campaign in November, 1877, the contestants being Mr. William E. Smith and Judge James A. Mallory—the latter the Democratic nominee. Judge Mallory carried the city by 222 votes, the county by 545 votes and lost the state by more than six thousand votes. In the spring of 1878 Mr. Casper M. Sanger, Republican, lost the mayoralty by but 343 votes—the political change was surely coming!

When the next election for governor occurred in the spring of 1879, Governor Smith was a candidate for re-election, his Democratic opponent being Mr. James G. Jenkins. Governor Smith had a majority in the state of 25,494 votes, in the city of Milwaukee of 2,152 votes, and in the county of Milwaukee, of 2,360 votes. In the

spring of 1880 Mr. Thomas H. Brown, Republican, was chosen mayor of Milwaukee, by a majority of 3,388 votes. The change had come!

It was no unacceptable reward to Mr. Payne for his meritorious party services that he was a delegate to the National Republican convention which sat in Chicago in the summer of 1880. In this convention the delegation from Wisconsin did the decisive work that nominated Mr. James A. Garfield. For thirty-three ballots the sixteen votes of the Wisconsin delegation had been cast for Mr. James G. Blaine. A solitary delegate from Pennsylvania had been voting consistently for Mr. Garfield upon every ballot. On the thirty-fourth ballot the Wisconsin delegation, largely through the influence of Mr. Payne, switched its sixteen votes to Mr. Garfield and his nomination followed.

Now that Mr. Garfield was nominated it was necessary for Wisconsin to do its share in electing him. The State Central Committee and the Committee of One Hundred, with Mr. Payne at the helm of both, undertook the task. In this presidential contest Mr. Payne reduced the business of campaigning to an exact science in the city of Milwaukee. A secretary and a set of books were the preliminary paraphernalia. Before the campaign opened or a speech was made, a thorough street canvass had been made in the city, and the name, age and residence of each male person obtained, brought to the secretary and alphabetized in the books. In addition was entered the status of each, whether naturalized, whether registered, whether about to cast his first vote, whether Republican, Democrat or doubtful. Proper letters were mailed to the members of each class. The unregistered were reminded of their

political duty, the unnaturalized were instructed how to become citizens, the young and the doubtful were furnished with appropriate political nutriment, the Republicans confirmed in the faith, the Democrats warned of the error of their ways. The result was that the unregistered showed their gratitude to the party that taught them their obligation, the unnaturalized went to the Republican Central Committee for their citizenship blanks, the young men flocked to the Republican standard. Not a voter escaped the peering glance of Mr. Payne and his committee. So completely and systematically were plans carried out that, upon November 1, 1880, the day before election, a Republican ballot was mailed to every voter in the city and so far as possible, in the county, with an urgent appeal that it be voted. The result was that Mr. Garfield carried the county of Milwaukee by a plurality of 3,091 votes, an increase of 5,110 votes over the Hayes figures in 1876. Throughout the state Mr. Garfield had a plurality of 29,770 votes over the Democratic aspirant, General Hancock. The *Evening Wisconsin*, scanning the complete returns of the state, was moved to explain on November 15, 1880, that Milwaukee is now "the banner Republican county in Wisconsin."

It should have been stated a little earlier that Mr. Payne became in 1880, then being thirty-seven years of age, a member of the Republican National Committee. It may here be added, and it will be amplified later, that in that capacity he participated actively in five presidential campaigns and that in the last three of these he was a member of the executive committee of the National Committee.

One of the features of Mr. Payne's practice of poli-

ties was honesty in dealing with all voters. He believed in a bold, exact, straightforward declaration of party principles and a square and open fight to win on the basis of that declaration. Nothing illustrates this attitude better than the mayoralty campaign in 1884. In the Republican nominating convention that year, held March 28, 1884, the declaration of principles, which Mr. Payne assisted to frame and which was adopted on March 30, 1884, asserted that the Republicans were in favor of a more rigid regulation of the liquor traffic, of the payment of higher licenses by the saloons, and of the removal of the fire and police departments from the domain of politics. Brave as this stand was in a city like Milwaukee, it was taken without hesitation and the campaign fought out under Mr. Payne's leadership with those issues constantly thrust into prominence. Mr. Emil Wallber, standing on this platform, was elected mayor of Milwaukee by a plurality of about three thousand votes. To show how promises are sometimes kept it should be noted that the Republican legislature elected in the fall of 1884 passed more rigid laws relating to saloons, made enactments for the submission to different municipalities of propositions for higher license fees and, as has already been stated, took the fire and police departments of Milwaukee out of politics.

Here may appropriately be printed a letter to the Milwaukee *Sentinel* written by Mr. Frederick C. Winkler, of Milwaukee, December 28, 1901, at the time of Mr. Payne's appointment to the cabinet of President Roosevelt.

It may not be without interest at this time to recall a bit of political history. Prior to 1885 it had been the practice in our city

for each newly elected mayor, especially when there was a change of party, to appoint a new chief of police and of the fire department, and then after a few days a long list of dismissals and of the appointment of friends of the new man would follow in each department. Bearing in mind that we had annual elections in those days, one can readily imagine the Dolly Varden appearance of the record so made. In 1884 the Republican city convention met on Wednesday in the latter part of March, nominated a ticket with Emil Wallber for mayor, and then adjourned till Friday evening. At the adjourned meeting a series of resolutions was reported, among which was the following:

*Resolved*, That we are in favor of taking the police and fire departments and the management of the public schools out of the domain of politics so that the terms of office of policemen, firemen, school officials and teachers shall not depend on the results of each succeeding election, but rather upon faithfulness and efficiency in the discharge of their duties."

At this time Henry C. Payne was secretary and treasurer of the Republican State Central Committee. Edward Sanderson was its chairman. The two were on the closest terms of political intimacy. Both were deeply interested in city affairs and active, leading men in our local politics. Both were present at that meeting. Mr. Sanderson was a delegate in the convention and a member of the committee reporting the resolutions. The adjourned convention turned into a mass meeting. The resolutions and the nominations were enthusiastically ratified. I do not know the authorship of the resolution quoted, but I do know that it had Mr. Payne's very hearty indorsement.

When the next session of the legislature met, it was he who saw to the preparation of a bill and pushed it with his wonted zeal. I think J. R. Brigham drew it. I remember being called into a conference about it when he was present. Mr. Payne had it introduced and looked after its fate in the legislature. I remember well my meeting him while it was pending and asking him about the prospects of its passage, and his answer. It was this: "The Republican party has promised the people of Milwaukee to take the police and fire departments out of politics; we have a Republican legislature, and I will see to it that the promise is redeemed." It was redeemed. The bill was passed, and it was one of the most valuable, if not the most valuable, charter reform that the legislature of Wisconsin has given to the city of Milwaukee.

Mr. Payne has never posed in the special role of a reformer, but he has always stood for decency and efficiency in every branch of the public service. In his administration of the Milwaukee post office this was fully exemplified, and the civil service law was impartially enforced.

During the presidential campaign of 1884 Mr. Horace A. Taylor was chairman of the Republican State Central Committee. The secretary and treasurer was Mr. Payne, and the headquarters of the committee at the corner of Wisconsin and Jefferson Streets, in Milwaukee, the corner now ornamented by the Hotel Pfister. In this campaign, in which Mr. James G. Blaine and Mr. Grover Cleveland were the candidates, the prospect of Republican success was not encouraging. There was much disaffection; there were many "mugwumps;" there were green-back voters and prohibitionist voters. The same system was pursued throughout the state, so far as practicable in so large an area, as was pursued in Milwaukee county in the campaign four years before. Mr. Payne was keenly ambitious to win this contest in Wisconsin and success crowned his efforts. Mr. Blaine received some sixteen thousand more votes than Mr. Cleveland.

But Mr. Payne's victory was barren; the Democrats carried the electoral college, Mr. Cleveland became president March 4, 1885, and in a year Mr. Payne was evicted from the office of postmaster of Milwaukee because he was an "offensive partisan."

CHAPTER VIII

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**Business Again**

Upon Mr. Payne's retirement from the Milwaukee post office he was far from being a man of means. During his tenure in the federal building his salary had been his only means of livelihood, for his political services while they brought him some honor and much odium, accumulated for him no wealth. While casting about for a permanent avocation he became interested with Mr. William H. Bradley and Mr. Wallace G. Collins in the development of Northern Wisconsin. He was largely instrumental in securing the legislation which led to the settlement and uplift of that section of the state, particularly in obtaining legislative permission to erect a large dam at Tomahawk, Wisconsin.\*

Mr. Collins, above mentioned, residing in 1887 in Milwaukee, now of Chicago, thus writes concerning Mr. Payne's land and timber enterprises:

Mr. Payne, with others, determined the location of the town of Tomahawk, believing that the proximity of the dam would encourage sawmill concerns to locate at that point. Mr. Payne was selected to take charge of the disposal of the town lots. The discussion in the legislature over the installation of the Tomahawk dam had advertised the place very extensively and it was decided to offer the lots at auction. This was in 1887. Mr. Payne sold \$115,000 worth of lots the first day.

When it was decided to extend the line north from Tomahawk,

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\*See Chapter 346, Laws of Wisconsin for 1887, published April 22, 1887.

the town site of Minocqua was secured by us. It had been occupied for nearly 200 years as the site of an Indian village. The name Minocqua was adopted after a number of interviews with the Indians and was the name of the old chief of the tribe. Mr. Payne at first thought the Indian equivalent for the name Tomahawk would be appropriate, but it was too long. He then thought to name the town after the wife of the chief. He spent the best part of a day trying to spell her name in English on pieces of birch bark, but after shortening it in every way possible, he found it would take thirty-six letters at the least calculation, and he finally gave it up.

He arranged with the Indians to remove to the reservation, and the town site of Minocqua was put into Mr. Payne's hands and sold by him. The first child born in Minocqua was given a town lot and each church denomination was presented with a site for a church.

These ventures brought Mr. Payne in contact with the timber enterprises in Northern Wisconsin in which he at one time engaged quite extensively in connection with myself and other parties. I was also associated with Mr. Payne in several other land transactions in the city of Milwaukee and in Chicago and elsewhere. I always found him a man of most excellent judgment and painstaking care and of the strictest integrity in the handling of all the interests in which I was associated with him.

During the trips we made together to the wilds of Northern Wisconsin in furtherance of our various projects, I learned to know Mr. Payne in a way that a man can only be known in roughing it in camp life. Opportunity was afforded to discuss many men and measures and I was deeply impressed with the breadth of his views and the fairness of his judgment. The friendship formed during this period lasted until his death. As an evidence of my confidence in Mr. Payne, I may say that at one time he held for me either in his name or as trustee, all of my interests in eight different companies.

But, to speak properly of what became his daily routine of business, it is necessary to be once more reminiscent.

At a meeting of the Fortnightly Club, Milwaukee, held July 15, 1875, at the office of Mr. William W. Wight in the Insurance Building,\* Mr. Elisha Gray, of Chicago, read a paper bearing a new name about a new subject, the

\*The Old Insurance Building at the northwest corner of Wisconsin Street and Broadway.

telephone. By means of wires stretched about this office, the hall and adjoining offices, Mr. Gray illustrated and explained the then astonishing discovery in the transmission of sound. These were the first experiments with the telephone in Wisconsin.\*

Among the members of the Fortnightly Club present during these experiments was Mr. Charles H. Haskins, then representing in Milwaukee the Northwestern Telegraph Company. Naturally interested in electrical subjects the telephone appealed to Mr. Haskins and it was through him that the telephone was practically introduced into Milwaukee. In 1879 he was the agent of the Bell Telephone Company with an office with the Northwestern Telegraph Company at Number 411 Broadway. By 1880 the Milwaukee Telephone exchange was established at the same place, Mr. Haskins being the president. In 1882 the Wisconsin Telephone Company succeeded the Milwaukee Telephone Company, the same president continuing. In the new corporation Milwaukee capital had the majority interest, and the American Bell Telephone Company represented by Mr. Charles H. Haskins held minority holdings. Mr. Benjamin K. Miller, Mr. Edward H. Brodhead and Mr. Frank G. Bigelow were the earliest local stock owners outside of the Haskins interests. Then followed closely Mr. Payne, Mr. Charles Ray, Mr. Charles F. Pfister, Mr. Henry F. Whitcomb, Mr. Charles G. Stark and Mr. John D. McLeod. Mr. Payne became the vice-president of the Wisconsin Telephone Company, October 5, 1886, and the president Feb-

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\*I find no patent issued upon a "telephone," so-called, until November, 1877.

ruary 11, 1889. This latter position he occupied for more than ten years, resigning May 17, 1899, when his interest with those of other Milwaukee owners was sold to the Erie Telephone and Telegraph Company then operating in Minnesota and Michigan. During the ten years of Mr. Payne's administration, the plant of the Telephone Company was largely increased and extended, and the concern made prosperous. It was he who selected the site for the general offices of the Company at Number 424 Broadway, and supervised the erection of the building. In it the executive rooms were separated from the noisy operating quarter. It is interesting to notice that the same administrative qualities, shrewdness, good judgment and business sense, which had been and were his characteristics in the management of political campaigns were employed by him in directing the affairs of this growing corporation.

Mr. John D. McLeod, formerly general manager and now one of the vice-presidents of the Wisconsin Telephone Company, was closely associated with Mr. Payne in telephone work and has this to say of his impressions of his superior in office:

In the early days of the Telephone Company, during its formative period, his strong hand successfully piloted the business through many unusual difficulties. As a monopoly, it was sorely beset by the prejudices of the public it was created to serve, by the lack of capital for its expanding needs and by mischievous legislation, and was in many ways dependent for success upon the masterful powers which Mr. Payne brought to it, and that skill in affairs which inspired confidence in all his undertakings.

Mr. Payne was petty in nothing. I bear witness to no sign of impatience in my fifteen years of intimate observation, though provocation was frequent and dire.

His master mind, the magnetic qualities of the man, the simplicity and generosity of his nature and an even measure of courtesy

to the great and little alike, marked him a conspicuous personality. These endowments with all the lovable personal traits following in their train endeared him to his intimates, and justify his national fame.

We have thought him as great a general in the "Arts of Peace" as Grant in the "Arts of War," and have felt that the tribute of Congress to Grant might as fitly memorialize the achievements of Henry C. Payne:

"Patient of toil, serene amidst alarms,  
Inflexible in faith, invincible in arms."

A number of matters miscellaneous in character belonging to the last fourteen years of Mr. Payne's life may properly be grouped here that they may not interrupt the march of more important events pressing upon the later pages.

In the year 1890 Mr. Payne became a director of the First National Bank of Milwaukee as successor to Mr. George Dyer. This position he held until his death.

In about the same year he became a director of the Milwaukee Gas Light Company and occupied this position until the time of his removal to Washington.

On October 1, 1890, he became a director of the Milwaukee and Northern Railroad Company, and was the president of that corporation from November 12, 1890, until his death. This position was, however, little more than a sinecure as all the property of the corporation, including its road, was transferred August 28, 1893, to the Chicago, Milwaukee and St. Paul Railway Company.

On December 8, 1892, with Mr. Thomas W. Spence, of Milwaukee, and certain officials of the just named railroad company, he formed the North Milwaukee Investment Company, for the purpose of dealing in lots in that suburb. A number of subdivisions in North Mil-

waukee are named for Mr. Payne, while the principal street, Villard Avenue, attests his admiration for his friend, the financier, Mr. Henry Villard.

Mr. Payne was the president of the Fox River Valley Electric Railway Company, with headquarters at Appleton, Wisconsin, from its organization until about the year 1900, when it was swallowed up as a connecting link in some larger line.

When the convention of the American Street Railway Association was held in Milwaukee, in 1893, Mr. Payne was chosen the president of that body in recognition of his long years of activity and prominence in street railway matters.

On June 26, 1894, he was elected a member of the Old Settlers' Club of Milwaukee, to which he was entitled on account of a residence of twenty-five years in that city.

Mr. Payne was a member of the Pennsylvania Historical Society, and on December 8, 1898, was elected a life member of the State Historical Society of Wisconsin. In the museum of the latter society is now preserved the chair which he occupied while a member of the cabinet of President Roosevelt and which in 1905 was presented to the Society by Mrs. Payne. The history of the chair is shown by the following letter:

WASHINGTON, November 14, 1902.

*Hon. Henry C. Payne,  
Postmaster-General of the United States,  
Washington, D. C.*

MR. POSTMASTER-GENERAL: It gives me pleasure to send you one of the chairs formerly used by the Cabinet at Cabinet meetings at the White House.

The chair was purchased in General Grant's time and has been in use till the present time. Owing to the construction of a separate office building equipped with entirely new furniture, this chair was

no longer needed for the purpose for which it was purchased, and is therefore, by permission of the President, sent to you as a souvenir.

Very respectfully, your obedient servant,

THEO. A. BINGHAM,

Colonel U. S. Army.

Mr. Payne was one of the early members of the Society of Colonial Wars for the State of Wisconsin, claiming membership by virtue of his descent from Mr. Moses Pain of Braintree and from the latter's son, Stephen Pain. From 1902 until his death Mr. Payne was the Deputy Governor General of the Society. No one who attended the dinner given by that Society on December 21, 1901, will forget the feeling and eloquent address of Mr. Payne to his fellow members. A residence soon to begin in Washington was deeply impressing upon his mind the urgent need of a disinterested and heaven-inspired patriotism.

On December 16, 1900, Mr. Payne was elected a member of the executive committee of the Indianapolis Monetary Convention.

He was likewise the original trustee for Wisconsin of the McKinley National Memorial Association, which position he still held at the time of his death.

For the artistic betterment of the city of his love Mr. Payne presented to it the eight stone lions which now ornament the approaches to the two bridges over the Light House Ravine in Lake Park, Milwaukee. The letter of thankful acceptance by the park commissioners is dated August 6, 1897.

The trustees of Milwaukee-Downer College gratefully remember Mr. Payne, Mr. Frank G. Bigelow and Mr.

Charles F. Pfister for their joint gift of fifteen hundred dollars, which fully equipped the gymnasium of that institution.

It is not amiss to emphasize in this connection that Mr. Payne was a constant and generous giver. All objects aiming at the advancement and improvement of Milwaukee, all public benevolent institutions, and churches of any faith, were granted his liberal benefactions. He was particularly thoughtful of All Saints' Cathedral, Milwaukee, whose bishop\* received his frequent aid for cathedral improvements and for church work.

His assistance was always ready and ample for funds for the destitute and distressed, as, for one example, for the fund for the sufferers in the Third Ward conflagration in Milwaukee, October 28, 1892.

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\*Right Reverend Isaac L. Nicholson, the Protestant Episcopal Bishop of Milwaukee, who died in that city, October 29, 1906.

CHAPTER IX

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**Concerning Street Railways**

Reference has already been made to the insignificant condition of the street railways of Milwaukee when Mr. Payne first took up his residence in that city. It would be unprofitable here to chronicle the tardy processes of improvement, both in equipment and in transportation, and the gradual growth of independent and partially competing corporations operating in different portions of the city and suburbs. Let it suffice to observe that in and about 1890 the North American Company, a corporation of New York, had large stock holdings in Milwaukee street railways; that Mr. Payne represented, in Milwaukee, those holdings, and that there were then no fewer than five different street railway companies, familiarly known as horse-railways, in operation. These five were the Cream City Railroad Company, of which Mr. Oren E. Britt, of Milwaukee, was the president; the Milwaukee City Railroad Company, of which Mr. Walter G. Oakman, of New York, was the president; the Milwaukee Electric Railway Company, of which Mr. F. E. Hinckley, was president; the West Side Railway Company, of which Mr. Washington Becker was president, the pioneer road in the city to use electricity as a motive power; and the Whitefish Bay Railway Company, of which Mr. Will-

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iam H. Bradley and Mr. Israel H. Lowry were the chief officers, the first road in Milwaukee authorized by ordinance\* to use other than animal power for propulsion.

To Mr. Payne's mind the union of these disconnected and discordant lines was a matter of great moment, and upon his shoulders fell the burden of accomplishing this union. To be sure he was not at that time a practical street railroad man; his experience had been along other lines, but the general business ability was there, and for the purpose of the negotiation which was required for such intricate and involved matters he possessed all the essential qualities—aggressive energy and tenacity of purpose tempered by a spirit of conciliation and compromise, of amiability and patience.

On December 22, 1890, the first two above named corporations had merged and become the Milwaukee Street Railway Company, with Mr. Henry Villard,† of New York, as the president; Mr. William L. Mason, now of Washington, District of Columbia, as auditor, and Mr. Payne as vice-president, this being Mr. Payne's first prominent connection with street railway affairs. On September 29, 1891, the stock of the West Side Railway Company was transferred to the North American Company, an eastern corporation, in the interest of the Mil-

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\*The ordinance was passed June 14, 1886, and required the use of animal power on Farwell Avenue and Bradford Street and permitted the use of steam motors, electricity or magnetism, north of the intersection of Bradford Street and Glen Avenue.

†Mr. Villard had been greatly interested in the Northern Pacific Railroad, in the Wisconsin Central Railway and in other enterprises in the northwest. For his various enterprises he needed a holding company to manage his smaller companies, and therefore he formed and controlled the North American Company. He became acquainted with Mr. Payne through his investments in the West.

waukee Street Railway Company. In 1892 consolidation had no further advanced, and there had come into being the Milwaukee and Wanwatosa Motor Railway Company with Mr. James Petley as the president. During 1892 Mr. Villard ceased to be president of the Milwaukee Street Railway Company and during that year and until 1895 Mr. Payne exercised the functions of the higher office. In 1893 the street railway lines remained as in 1892, but by January 29, 1894, the last named company had absorbed all the strictly city lines—there remaining only as separate entities the Whitefish Bay line and the Wanwatosa Motor line. In 1895 the consolidation had become complete, and there were included in the merger companies formed for electric lighting purposes such as the Badger Illuminating Company and the Edison Electric Illuminating Company, of both of which corporations Mr. Edward C. Wall, of Milwaukee, had been the president, and which corporations had in 1891 and in 1890 sold their property to the Milwaukee Street Railway Company.

But the company thus formed was far from being in a flourishing financial condition, and sought in vain for the money to pay its debts. Foreclosure proceedings were instituted against it May 24, 1895, by the Central Trust Company of New York, to which it had mortgaged its property on January 29, 1894, for ten million dollars; receivers were appointed, to-wit: Mr. Payne and Mr. George R. Sheldon, and steps taken to change the languid body into a healthy being. Out of this receivership arose on January 29, 1896, the corporation now existing known as The Milwaukee Electric Railway and Light

Company. Of this company Mr. William Nelson Cromwell, of New York, was president, and Mr. Payne the vice-president.

Prior to the consolidation Mr. Payne's shoulders bore the principal weight of the street railroad business. Apart from the negotiations for union—for the accomplishment of which he deserves great, and the chief, credit—there was need to convince the New York capitalists that the entire line was worthy of equipment with electricity. The passing away of the sluggish and patient mule in favor of the tireless trolley is due to his efforts, for he had familiarized himself with the results obtained by the subtle fluid and foresaw that electricity had come to stay. Indeed, as an evidence of his confidence in the future of the trolley system it may here be mentioned that he invested in Milwaukee street railway stock the proceeds of a matured life insurance policy taken out by him in his younger days.

The well-being of the employés of the company was a matter of much concern to the interests of the company, in the belief of Mr. Payne, apart from considerations of humanity. Of many of the employés he knew the names and the residences, and their condition as to marriage and offspring; and increases of salaries—which came more than once without solicitation—were based upon the domestic situation of the men. Indeed, a plan which allowed the participation of the employés in the company's profits, and tied them to the company's interests, by permitting them to purchase the company's stock at an advantageous figure was worked out and put into effect after the strike, which occurred in the spring of 1896.

This strike broke out after the consolidation of the different companies into The Milwaukee Electric Railway and Light Company and had its formative period and preparations during a trip which Mr. Payne with his wife had taken to Europe for rest and recreation. It grew out of the demands which the motormen and conductors made for shorter hours and greater pay and for official recognition of their union, which then flourished under the ponderous name of Amalgamated Street Railway Employés, and which had the financial assistance of other unions in various sections of the country. These demands were unreasonable and tyrannical in their character and submission to them would have been equivalent to a surrender of the control of the road. Upon the return of Mr. Payne from abroad, although he was not then in vigorous health, and although political ambitions might have made his stay in the background a matter of the highest prudence, he assumed immediately the burdens of his office in the Railway Company, one of which burdens was the management of its affairs during this strike. Mr. Payne's position was that, whatever the merits of the complaints, the company must be permitted to manage its affairs in its own way and without the coercion or interference of a labor union. It would seem that the majority of the populace did not agree with Mr. Payne's position. The tie-up by the strikers, which began on Monday, May 4, 1896, was at first effectual, the road was greatly handicapped, and the management labored under the obloquy not only of the rebelling workmen, but also of the incommoded and unsympathetic public. However, the company put on a bold front, ran

the cars so far as their loyal help permitted, imported strike breaking motormen and conductors from everywhere, and paid special deputies in citizens' clothes to protect the crews from assaults. It required no little courage for a patron to board the cars. He had fear of his head from the vagaries of a fugitive stone, and he had the additional fear of a boycott of his business in case he should be spotted. Stages did a thriving trade, men unused to walking developed abnormal muscles, while heavily laden teams mysteriously broke down athwart the tracks and no bystanders could be found to assist in clearing the wrecks. While the conflict was at its height the strikers, astonished at the unyielding front displayed by the company, sent a committee to the directors offering to call off the strike and abandon their demands, if they could be accorded their former positions with the company. Not a few of the directors, anxious to terminate the unprofitable strife, jumped at this proposition. But Mr. Payne absolutely and positively refused to consider the offer, involving as it did bad faith to the new men who had taken the strikers' places upon the express promise of Mr. Payne that they should not be molested. Mr. Payne's firmness and insistence won the other directors and the strike continued.

The boycott was as effective as the strike and continued long after the strike had been defeated. Grocers, butchers and tobacconists refused the patronage of the strike breakers and of the loyal old employés. With difficulty these procured bread and meat for themselves and their families. The company, which was feeding and housing the working crews, in improvised kitchens and

barracks, could not purchase supplies in Milwaukee and was obliged to procure from Chicago food already prepared and import cooks.

While the non-sufferers enjoyed the situation, Mr. Payne was the object of particular hatred, the strikers being especially severe. He was burned in effigy, scarecrow bodies bearing his name were gleefully trampled upon, and on one occasion he was exhibited in an open window lying in a coffin on which was pinned the inscription, Death to Scab Payne! Well-bred people condemned him, ill-bred people called him names, the laboring classes cursed him, the politicians shunned him, the mobs surging the streets jeered at the mention of his name. But none of these things moved him from uniform serenity. Conscious that his position was sound, he kept on importing new men, the strikers were impotent to prevent their arrival, the police quelled the disturbers, the cars gradually assumed regular routine, the new men became accustomed to their positions, the strike died out, the Amalgamated Street Railway Employés was no more. Those of the old men who had not been violent in the strike and who by returning would not displace the men who had stood by the company in their trial, were taken back. These with the new men constitute the nucleus of the present employés who in self-discipline and in loyalty to the interests of the company are of the highest grade of excellence.

All through the long years of negotiation necessary to consolidation of the various railways and lighting companies, and during the following years of reconstruction, Mr. Payne stood at the helm, guiding and controlling almost absolutely the complicated affairs of the company,

and in addition performing the duties of general manager for the operation of the road, aided only by consultation with the New York representatives of the company. The consolidation was now effected. The reconstruction was about finished, and the task which he had assumed was successfully accomplished. After years of laborious detail work, Mr. Payne wished now to be relieved of a part of his burden, and Mr. Charles D. Wyman was about this time engaged as general manager, and as such he assisted Mr. Payne through some of the trying crises through which the Company had to pass, notably the strike of 1896, and the attempt of the Common Council of Milwaukee to compel a reduction of the fares. Mr. Wyman later accepted a position with the street railways of New Orleans, and Mr. John I. Beggs (who had been the western representative of the Edison General Electric Company) was appointed general manager of the Milwaukee Company and thereafter shared the onerous duties of the management with Mr. Payne, until the latter withdrew from all active connection with the affairs of the company.

The road was one of large possibilities, but because of the great expense of consolidation and reconstruction and especially because that for several years the patronage of the road as compared with that of other cities of about the same population as Milwaukee was very small, the income had been greatly inadequate, the road not earning the interest on its new indebtedness; with poor equipment, in some parts of the system little more than "a franchise and a streak of rust," the lines needed and received unremitting, exhausting and, in the case of Mr. Payne, undermining toil.

Several matters pertaining to Mr. Payne's labors for consolidation deserve attention, but are not presented perhaps in a strictly chronological order:

Firstly: The selection of the site of the present Public Service Building or terminal station of the street railways, at the block bounded by Second, Sycamore, Third and Everett Streets. From the company's records in New York the fact appears that the conception of the idea of a central depot or station with offices in the heart of the city was due to Mr. Payne, and that he himself selected the site above described, which has since been utilized. Much of the preliminary planning for the stately structure now standing upon this site was done by Mr. Payne, and its present admirable equipment for the work intended, as well as for the comfort, convenience and happiness of the employés, laboriously and ingeniously wrought out by Mr. Beggs, would have delighted the soul of Mr. Payne could he have lived to wander through the completed building in 1906. His portrait was presented by Mrs. Payne to the company with the request that it hang in an appropriate place in this new building.

Secondly: The contest over reduction of fares.—On June 11, 1896, just about the period of the strike before alluded to, the Common Council adopted an ordinance requiring the Street Railway Company to sell six tickets for twenty-five cents, and twenty-five tickets for one dollar. The company was then in no financial condition to stand the consequent reduction of income and contested the reasonableness of the ordinance. Into the litigation which resulted from the city's attempt to enforce the ordinance, Mr. Payne threw all his heart and soul. He assisted the

counsel for the company in marshalling the evidence to show the injustice of the city's action, and in earnest and convincing language presented the argument before deliberating committees, and the facts before the courts. Two actions\* were begun against the city, one by the Railway Company and the other by The Central Trust Company, the trustee for the bondholders. Both complainants sought a decree declaring the ordinance null and void as a violation of the constitution of the United States. The case was argued before Judge Seaman in the Circuit Court of the United States, Eastern District of Wisconsin, and his long and luminous opinion on the subject of the reasonableness of the ordinance went a long way in settling the law upon that subject. Judge Seaman, on May 31, 1898, granted an injunction perpetually enjoining the enforcement of the ordinance. The syllabus of the case sufficiently sums up the decision of Judge Seaman:

1. An ordinance requiring a street railroad charging five cent fares to sell six tickets for twenty-five cents or twenty-five tickets for one dollar is unreasonable when the road is only making yearly net earnings of 3.3 per cent. to 4.5 per cent. on its bona fide investment and paying 5 per cent. interest on its bonds, in a city where the current rate of interest on first mortgage real estate security is 6 per cent. Such an ordinance is void under the fourteenth amendment, as depriving the company of its property without due process of law.
2. The power of a municipality to regulate street-railroad fares is subject to the limitations (1) that there is reasonable need on the part of the public, considering the nature and extent of the service, of lower rates and better terms than those existing; (2) that the rates and terms fixed by the ordinance are not clearly unreasonable, in view of all the conditions.

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\**Milwaukee Electric Railway and Light Company v. the City of Milwaukee*, and *Central Trust Company of New York v. the City of Milwaukee*, 87 Federal Reporter 577. See also *Tift v. Southern Railway Company*, 138 Federal Reporter 753, 768.

After this decision, in the fall of 1898 the mayor sought to obtain by concession from the Railway Company what was impossible to obtain by demand. The company was unwilling to concede a reduction of fare, but agreed to make annually increasing money payments to the city if an extension of franchises were accorded. The correspondence embodying this matter was submitted to the Council November 19, 1898, but the subject was ordered indefinitely postponed by the Council because such payments, while a benefit to the city, would not benefit the public as would reduction of fares. This subject will soon appear again.

Thirdly: Contest over non-user of franchises.—There were other instances of the harassing of the street railway consolidation in the beginning of its career in Milwaukee. One such instance was the action in equity brought May 24, 1896, to enjoin the company from re-laying its tracks along Washington Avenue in Milwaukee, in front of the property of the plaintiffs. For four years and eight months prior to said date—a period of great industrial depression at large, as well as of financial stringency with the company—it had not operated its line along this avenue. Indeed, with the company's knowledge, the old track, not adapted for electricity, had long been taken up and the street paved. An ordinance was introduced December 2, 1895, to repeal the franchise along that portion of the avenue where the plaintiffs lived, but Mr. Payne appeared before the railroad committee of the Council and objected to the forfeiture on the ground that the company intended to reconstruct and reoperate in the spring of 1896. No action to forfeit was taken. Early in the morning of Sunday, May 24, 1896, with a

large force, the company started to lay its tracks along the avenue in front of the property of plaintiffs. The latter claimed that this was "snap" action intended to avoid injunctions; Mr. Payne claimed that Sunday was used in order to delay traffic as little as possible on secular days. If the former was the reason it was unavailing, for an injunction obtained on Sunday stopped the work, and on Monday the Board of Public Works ordered the company to take away its rails and ties and restore the avenue within twenty-four hours. Thereupon the next day the company enjoined the city from enforcing this order. This injunction was dissolved in the lower court and an injunction which the city had obtained preventing construction and operation was upheld in the court below. Both injunctions and the order dissolving the company's injunction went to the Supreme Court of Wisconsin,\* and a victory was scored for the company on all points.

The court held that although it was the company's duty to serve the public and that it could not emancipate itself from that duty by refusing to operate its cars, yet that in view of Mr. Payne's representation of the intention of the company to reconstruct and reoperate, and in view of an express disclaimer by the company of an intention to surrender, the fact of non-user for four years and eight months could not under the circumstances be construed into a surrender.

The Supreme Court held also that the city had mistaken its remedy. While the state had delegated to the city authority to act for it and on its behalf in granting

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\**Wright v. Milwaukee Electric Railway and Light Company*, 95 Wisconsin 29, 36 L. R. A. 47; *Milwaukee Electric Railway and Light Company v. City of Milwaukee*, 95 Wisconsin 42, 36 L. R. A. 45.

franchises to build and operate street railways, it had not granted the city the power to institute and maintain actions to forfeit such franchises for misuse or abuse. Such forfeiture must be adjudged by an action in the name of the state acting through its attorney general and by leave of the Supreme Court.

Fourthly: Franchise extension.—With the placing, by the New York capitalists, of vast sums of money in the Milwaukee plant, came the desire to recoup the same by a lengthening of the time of the enjoyment of the franchises. Excepting franchises covering two streets of minor importance, none of these franchises would have expired until July 1, 1924. Such a desire on the part of these capitalists was not unreasonable. Extensive improvements were making in every direction; new and larger cars adorned the streets; new and heavier rails afforded smooth transportation; outspreading lines tapped populous and lucrative suburban districts; a gigantic power house ornamented the city and heightened the efficiency of the plant. Thus to better the system without return or without hope of ample recoupment was not to be expected—a tenant will be prodigal of his own funds in a rented house only with a long lease.

As a result of these considerations the Street Railway Company met half way a proposition of the city for a reduction of fares, seeing in this proposition a chance for securing the much desired extension. On July 31, 1899, the Common Council appointed a committee of nine aldermen to investigate the subject of reduction of fares, which committee entered into negotiations with the representatives of the company. Many and wearisome were the conferences. The company appeared by Mr. Villard,

Mr. William N. Cromwell, Mr. Charles W. Wetmore, Mr. George R. Sheldon, Mr. Payne, Mr. Benjamin K. Miller, Jr., Mr. Charles F. Pfister and Mr. Beggs, while in addition to the members of the committee the city was represented by the mayor, Mr. David S. Rose; the city attorney, Mr. Carl Runge, and his first assistant, Mr. Lawrence W. Halsey.

An ordinance prepared by the city attorney was printed in the papers of the city, October 14, 1899. It was attacked and defended by citizens, and by order of the committee of aldermen was redrafted. On November 6, 1899, the redrafted ordinance was recommended by the committee to the Council, was read a second and third time and referred to the same committee. This ordinance in addition to making grant of additional streets for line extensions and fixing a graduated rate of fares, provided that the franchise should end on December 31, 1934—a date exceeding by about six years the date of maturity of the company's bonds, and exceedingly more than ten years whatever date of expiry had theretofore existed. This tentative ordinance remained in the hands of the committee almost a month. On December 4, 1899, it reported a substitute ordinance not substantially different from its predecessor. On December 18, 1899, the substitute, slightly amended by the Council, was ordered to a third reading and for engrossment.

But the ordinance was not to pass without opposition, and opposition that took the form of legal proceedings. Opposition proceeded from various sources, from lot owners who did not wish the passing cars, from socialists who clamored for municipal ownership, from disgruntled citizens who were opposed to all busy ventures and con-

sidered activity a crime; from newspapers, hostile personally to officers of the company, and from romancing writers who in subsequently issued anonymous screeds thinly veiled their libels under slight variations of names. The litigation which began December 21, 1899, found its way into the Supreme Court in three different actions, but the details are foreign to this biography.\* Let it suffice to state that when the substitute ordinance as amended came before the Council for final action January 2, 1900, the Council, the mayor and the city clerk had been enjoined "from signing, engrossing, passing, amending, voting on, publishing, approving, or enforcing" the said proposed ordinance, or any similar ordinance. The mayor, the city clerk, and twenty-five of the forty-two aldermen, advised by counsel learned in the law that they were acting legislatively in passing upon the ordinance, that no court had jurisdiction over the matter, that the injunction was void and no penalty could be inflicted for its alleged violation, paid no heed to the injunction. The ordinance was passed by the vote of the twenty-five favoring aldermen, and the mayor signed it forthwith. The Supreme Court held that the court below had no authority to enjoin its passage.

But, although nine-tenths of the business men of Milwaukee favored the ordinance, immediately a loud cry of bribery was heard, a cry which indeed began soon after the negotiations opened, a cry which has not yet ceased to be heard, a cry which it is yet to be discovered had

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\*See *The State ex rel. Rose v. Superior Court of Milwaukee County*, 105 Wisconsin 651; *State ex rel. City of Milwaukee v. Ludwig, Judge*, 106 Wisconsin 226; *Linden Land Company v. The Milwaukee Electric Railway and Light Company*, 107 Wisconsin 493.

cause to be heard, a cry which, considering the advantages which the city reaped from the ordinance, was absurd. Let some of these advantages, resulting in large part from Mr. Payne's labors, pass briefly in review:

1. The ordinance fixed a uniform time for the expiration of the franchises of all the different roads composing the system. Prior thereto, some of the franchises were to expire July 1, 1924, and franchises covering fifteen miles of principal streets of the city were perpetual in duration.

2. Transfers which, prior to the passage of this ordinance were a courtesy, became now an obligation beyond recall. As forty-five per centum of passengers demand a transfer this is an item of no little moment.

3. Firemen and police officers in uniform and detectives in the police service ride free of charge.

4. Electricity is furnished free of charge for the operation of the bridges—an item of saving to the city of not less than twenty-five thousand dollars yearly.

5. Under the provisions of the former ordinances the city had no right to regulate the setting of poles, the stringing of wires, the opening of street pavements, the extension of lines, or other matters of public importance. Such acts as these were mere naked grants, in the main, effectual only so long as the grantees elected to use them. The new ordinance reserves to the city rigorous control of these and kindred matters.

6. A four-cent fare became obligatory under a ticket system during certain hours of the day, to cover the entire day after January 1, 1905. During the month of February, 1906, the average daily use of four-cent tickets was

134.906, a daily saving to passengers of \$1,349.06; a yearly saving of \$492,406.90. Half fare for children between three and ten years of age and free transportation for children under three years became also obligatory.

7. The road became bound to press on its lines as extensions of the city limits should be made, the fare within the limits, however far extended, to be no more than five cents.

8. The extension ordinance having unified the system, the management could never disintegrate the system into its units and require a separate fare from each unit.

9. The road with its longer lease of life became more than ever willing to make improvements and better the system—a result which has followed.

If it be claimed that this long recital is foreign to the purpose of this biography, the reply is that the charge of bribing was insinuated particularly against Mr. Payne. This book makes bold to assert that not the slightest proof of this charge has ever been presented, that no proof ever can be presented, that there is not an atom of foundation for the charge, and that the supporters of this ordinance by favoring it did their bounden righteous duty to the city of Milwaukee and to the patrons of the street railway.

At the risk of repetition, perhaps at the risk of urging too partial an opinion of Mr. Payne, I cannot forbear a lengthy expression from Mr. William L. Mason, who in 1891 became in Milwaukee the auditor of the Milwaukee Street Railway Company. These paragraphs are one of many evidences that, although the populace, deceived by clamor, might deride Mr. Payne as a politician, a monopolist, the head of a soulless corporation, one had but to be

near him, to be associated with him, to know that he was not a monster, but really a human being, and a being with a warm heart and a lovable disposition.

During the winter of 1890-91, while on a visit to Washington, D. C., I was called to New York to meet Mr. Henry Villard by the offer of a position to represent in Milwaukee, the New York interests of the Milwaukee Electric Railway and Lighting Company. There I first met the Honorable Henry C. Payne. After concluding arrangements with Mr. Villard to our mutual satisfaction, I was introduced to Mr. Payne, who was at that time Vice-President and General Manager of the Milwaukee Company, and there began a personal friendship between us, which grew more and more intimate throughout the eight years of my connection with the company and which lasted until his death.

The duties of my office brought me into consultation with Mr. Payne many times each day, and often all day, so that my opportunities for observing his characteristics as a man, and an officer of the company were exceptional. Through all the wear and worry and hard work of the construction period, at a time when electric street railway construction was almost in its infancy, and there were scarcely any precedents for his guidance, Mr. Payne kept a firm, capable hand upon the helm, and guided the undertaking to a most successful issue, both mechanical and financial.

He was constantly called upon to decide new and important questions, and at very short notice.

While, of course, the thousand and one details in the different departments of construction were under the immediate supervision of experts, yet the experts often disagreed, and there would be immediate reference to Mr. Payne. My attention was first attracted to his remarkable ability to listen to details and instantly grasp the results to which they led. He was not in any sense an expert accountant, and yet on very many occasions, when complicated propositions were submitted to him by the accountants, requiring hours of patient figuring on their part to determine what the actual results would be, I have known him to decide the moment he was in possession of the main conditions, which of two or three different methods of procedure would be for the advantage of the company and invariably later demonstrations would prove that he was right. I have frequently observed the same thing in the mechanical and electrical departments, although he was neither an electrical nor mechanical expert; he frequently excited the wonder of those who were experts, by his quick and comprehensive grasp of the subject brought to his attention and his almost invariably successful solution of the problem involved.

In addition to the difficulties of organization and construction ordinarily attendant upon such an undertaking, he was beset by opposition in the state legislature, opposition at the city hall, and opposition among the citizens and in the newspapers, inspired by political differences, by ignorance of the actual situation, and even by fabrication. He met all this with unruffled front, and, ignoring abuse, quietly and persistingly opposing ignorance and untruth with facts and figures, insisting with quiet courtesy on justice and fair play, he at last won the fight against bitter odds, and to-day the Milwaukee Company, one of the best equipped and most successful electric railway lighting companies in the country, and one of which Milwaukee is very proud, is a magnificent monument to the remarkable powers of organization, and to the splendid ability of Henry C. Payne.

One great source of Mr. Payne's power lay in his influence over men, both individually and in assembly. During the seething, sensitive days of a bitter strike, which had been caused solely by circumstances and conditions over which Mr. Payne had no control, I have seen a committee of conductors and motormen enter Mr. Payne's room, by appointment, for a conference. I have heard them utter their grievances in bitter language and with angry looks and voices. An hour later I have seen that same committee leave the room with smiling faces and pleasant words, although no promises had been made on the part of the company, and no change in the conditions been agreed upon. It was all accomplished by the open, frank, courteous way in which they were met, and conditions explained to them by Mr. Payne and the unhesitating belief of the men in the truth of his statements. All the employés of the company with whom I came in contact, spoke in warm terms of his invariable kindness and courtesy, and expressed the highest appreciation of his ability.

It was impossible to be associated with Mr. Payne for any length of time without loving him. He was always the same, not one thing one day and something else the next. One always knew where to find him. His manner was frank, open, and full of a manly bonhomie that was fascinating in the highest degree, and drew their very best efforts, from all with whom he came in contact. Those of us who worked through those eight years from 1890 to 1898 in close relation with him, know full well his sterling qualities.

A man of generous impulses, of kindness of heart, of invariable courtesy, full of strength and encouragement in time of trouble, never speaking evil of any of those by whom he was vilified and abused, he pursued the even tenor of his way, hewing straight to the line, faithfully fulfilling his duty as he saw it, and followed by the admiration of all his associates who knew him well, and by the love of those who knew him best.

There should also be preserved the following lines from Mr. Charles A. Spofford, of New York City, until recently the Secretary, in New York, of The Milwaukee Electric Railway and Light Company:

My first acquaintance with Mr. Payne was in 1890, when Mr. Henry Villard became interested in the union of certain Milwaukee street railways into what became known as the Milwaukee Street Railway Company, and which subsequently developed into the present The Milwaukee Electric Railway and Light Company. Mr. Payne was the leader of this enterprise in every sense of the word, and ably directed all of its departments. To his genius for organization, constructive ability and efficient management are due the conspicuous success of this undertaking, with which he was identified so many years. Not only were his mind and energies enlisted, but his heart was in this work, as was the case with everything he undertook. Without attempting to recall the many problems with which he wrestled in this connection, and the many serious obstacles which he overcame, I will mention how deeply impressed I was, and shall always be, with his admirable attitude and conduct during the strike and boycott of the motormen and conductors. I was in Milwaukee at the time, and was a witness of the true courage and generalship which he displayed throughout the contest. He never wavered, and was always at the front, although the vindictive spirit shown against Mr. Payne personally, in his home city, because of his stout advocacy of his company's legal rights, rose to such a pitch that he was hung in effigy in the streets.

There was a number of crises in the history of this project. At each of these periods Mr. Payne invariably rose to the occasion, and carried the company triumphantly through. His exhaustive knowledge of the geography of Milwaukee and its suburbs lent great value to his suggestions concerning extensions of routes, or alterations of lines to meet new conditions.

His associates had the highest appreciation of his remarkable capacity as an organizer and administrator, and his counsel and advice were greatly esteemed by them. He possessed their entire confidence, and was always faithful to the interests entrusted to him.

Mr. Payne possessed that quality of character which, having once espoused a cause, made him work for it zealously and increasingly. His staunch loyalty to trusts reposed in him was not confined to business, but was shown in the wider field of the politics of the country. In these activities of his life I was but an onlooker, but I shared the admiration of his other friends at the keen insight, excellent judgment, practical common sense and unremitting labor that enabled him to achieve such distinguished honors.

Mr. Charles D. Wyman, already mentioned as general manager of the Milwaukee Street Railway Company in 1893, has thus written concerning the subject of this biography:

In 1893, at the time I became its manager, the Milwaukee Street Railway had, under Mr. Payne's management and in accordance with plans of which he was the author, completed the consolidation of the various street railroad lines in the city, including also an electric lighting system, and had, at great expense, changed the form of traction from horse to electricity. The application of electric traction to street railroads had hardly passed the experimental period at that time, the Milwaukee Company being one of the pioneers in the adoption of this form of street traction, and the changing over of the street roads in the city had necessarily been accompanied by more or less of experimental work entailing very large construction costs.

Before the improvements to the company's equipment were entirely completed and while large sums of money were still necessary to make extensions, relay track and build additional buildings suited to its work, a financial panic in the city occurred which resulted in the failure of several banks, and thus, owing to the depression in the general business of the city, the income of the company did not show the anticipated increase upon which had been predicated the large investment involved in the change of the street roads from horse power to electricity. This condition forced upon the company a situation which taxed to the utmost the skill, enthusiasm and patience of its directors and officials, and naturally, to one just entering the company's service, ambitious of success and reputation, was somewhat disheartening; but Mr. Payne as Vice-President continued to actively assist in the promotion of the company's plans—even in the matter of details, counseling and suggesting, and always in a most kindly and cheering way. During these dark days he was a tower of strength and stimulation to his subordinates, and it was largely due to his unwavering faith in the future development of the company's business that the enterprise was sustained and ultimately established upon a profitable basis.

One of the most perplexing features to the company's management at that time was the labor situation. In his conduct of its affairs, Mr. Payne had cultivated pleasant relations with all the employés, taking a personal interest in their life and surroundings, apart from that simply connected with their employment by the company. He was proud of the fact that very many of the conductors and motormen, as well as those employed in other capacities, had been able to purchase their own homes and in other ways had become

forhanded, and the habit of saving and properly investing he had urged and promoted in every way in his power, advising and assisting his employés in their endeavors to secure for themselves a modest competency.

Although for some time a union had existed, by being thoroughly in touch with his men and having their respect and confidence, he had prevented radical demands on the part of the leaders and avoided, therefore, a clash which he felt must redound to the injury both of the employer and the employé. Unfortunately, as is often the case in union organizations like those prevalent on street railways, the counsels of the conservative and steady-going among the employés were, as the years passed, less heeded, and in 1896 the union, under the advice of outside labor agitators and local leaders who desired to promote their own personal advancement, made demands which amounted practically to the turning over of the company to their organization for management. A scale of wages was asked which it was impossible in justice to pay, and, farther, the company was required to employ only such men as the union would approve, and to discharge such men as it considered inimical to or negligent of its organization.

In this crisis Mr. Payne exhibited to me in the most striking manner the rare judicial quality of his reasoning, coupled with the kindness which always characterized his action toward everyone. In our discussions regarding the matter he iterated and reiterated to me that the company must be absolutely just and fair in its dealing with its employés and resist every inclination to be autocratic or peremptory. He wished every measure adopted that would show to the men that the union leaders in their policy were mistaken and selfish, and that the result of such a policy must certainly be personal suffering and privation, loss of wages and perhaps homes, to a large number of the employés. While as Vice-President and Managing Director of the company he endeavored to avoid the issue on account of the loss it would entail to the interests he had in charge, and while as a citizen he gravely deplored and sought in every way possible to avoid the injury likely to result from a strike to the general business interests of the city, his especial regret was that many of the workmen would be losers and suffer from the clash imminent. His advice was always, "Do everything possible, even to the verge of injustice to the company, to avoid a rupture which would ultimately bring suffering to so many of the faithful, but mistaken workers."

Holding as he did a commanding position in the Republican party of his state and of the country, his connection with the company was, during the writer's term of office, made the occasion of

many an attack upon him through the newspapers by those who sought to weaken his influence and injure his position as a politician by urging that he was a "corporation man," and therefore necessarily untrue to the city's interests and to those of the public at large, and when the labor difficulties arose these attacks were more virulent and pronounced. He was made a target of abuse by the labor papers especially, and by many of those whom he had formerly counted among his friends. Some pronounced openly against him, while others, actuated by their feebly disguised envy and jealousy, couched their threats under the form of advice. He, however, was unmoved by public clamor, but held to the policy of justice equally to the interests of the company and the men, and of fairness but firmness in the carrying into effect of such a policy. Not hastily, but after long and careful consultation, it was decided that the company could not accede to the demands of the union, and, if a strike was necessary, would endure it.

The greatest railroad strike which, up to that time, had ever occurred in the country, began consequent upon this decision in May, 1896, and for weeks, nay, months, the fight went on. It was during these trying times that Mr. Payne's strong will, judicial but firm, loyalty to principles and faithfulness to his duty were exhibited to the writer in most striking colors. With the officials of the company placarded in newspapers and subjected by the journals that catered to the laboring element to all sorts of denunciations and offensive characterizations, in spite of the pressure from political friends in the state and in the country who prophesied that the effect of the strike would be to very seriously injure the Republican party, he followed unwaveringly the policy which he had decided was right, and in which he had the support of his co-officials and directors, since it appealed to them as just and fair.

Recalling the incidents of those months of labor and perplexity, of loss to the company, and of suffering to the men, of injury to the business interests of the city, of violence and rioting on the part of the union and its adherents, I cannot repress my appreciation, even wonder, at the burden, political and business, which Mr. Payne bore so uncomplainingly, so strongly and so persistently.

Mr. Payne continued as vice-president of The Milwaukee Electric Railway and Light Company until, in 1901, the sphere of his activities having been transferred to the capital of the United States, he withdrew from all active connection with street railway affairs.

CHAPTER X

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**The Northern Pacific Receivership**

Coincident with Mr. Payne's early experience in directing a local electric road was his larger experience in managing a great steam road.

The Northern Pacific Railroad Company was organized July 2, 1864, by the Congress of the United States\* to construct a railroad and telegraph line from Lake Superior to Puget Sound, with the assistance of an extensive land grant. The road was finished in accordance with the provisions of the act and in 1893, was being operated for a distance of more than two thousand miles, from Ashland in Wisconsin to Portland in Oregon and Tacoma in Washington, with 3,840,000 acres of its grant still in possession. On April 1, 1890, this road had leased the lines of railroad from Saint Paul and Ashland to Milwaukee and Chicago, which were then owned by the Wisconsin Central Railroad Company and by the Wisconsin Central Railway Company and on August 15, 1893, the Northern Pacific was operating the Wisconsin Central lines under this lease.

But on the last date named the Northern Pacific, suffering under the general depression growing out of "the panic of 1893," was insolvent, and Mr. P. B. Winston and other creditors began proceedings against the insol-

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\*13 United States Statutes at Large 365.

vent in the Circuit Court for the Eastern District of Wisconsin. Mr. James G. Jenkins, already mentioned in this narrative, was the circuit judge, having been commissioned March 23, 1893. The result of the proceedings thus initiated was the appointment of Mr. Payne, Mr. Thomas F. Oakes and Mr. Henry C. Rouse as receivers of all the property of the Northern Pacific Company, including the leased lines just mentioned. Forthwith in all the other judicial districts in which this road had property was made the same appointment of receivers, the insolvent consenting thereto.

Subsequently on September 26, 1893, the receivers being in default for rent due to the lessors of the leased lines, obeyed an order of the Circuit Court and surrendered these lines to the lessors which had canceled the leases for the non-payment.

On October 18, 1893, the proceedings already undertaken were complicated by the Farmers' Loan and Trust Company of New York, which was the trustee named in trust deeds made to it by the Northern Pacific Railroad Company. The trustee filed a bill to foreclose these trust deeds in the Circuit Court for the Eastern District of Wisconsin. So far as possible this Court unraveled the complication by making the receivers parties to the foreclosure suit, and consolidating that suit with the proceedings under the creditors' bill.

While the lawyers were handling this matter in the courts there was an increasing depression in the transportation business, the earnings were rapidly falling off, and there was necessity for great retrenchment in operating expenses. To meet this situation the receivers ordered a wholesale reduction in the salaries and wages of

employés. This reduction was resented by the affected parties who, aside from the loss of income, claimed that the rates in force when the receivers took possession constituted contracts between the receivers and the employés, terminable only by the consent of the latter.

Discontent and opposition became rife among the employés to such an extent that on December 19, 1893, and December 22, 1893, the receivers appeared in the Federal Circuit Court and sought an order authorizing them to put in operation on January 1, 1894, a revised schedule of reduced wages. They prayed also for an injunction restraining threatened destructive and embarrassing action of the employés, either individually or as combinations, conspiring either among themselves or by the aid of committees of orders, brotherhoods and mutual aid associations.

The injunctions which issued on those two December dates, along the lines prayed for by the receivers, were very far reaching in their results and were seriously attacked not only by the advocates of the workmen, but by the workmen themselves, by various labor organizations and by individuals who saw in the enjoining orders the subversion of personal liberty and menaces to the dignity of labor. To comment upon these injunctions at length would be foreign to the purpose of this writing.\* The dissatisfied employés appealed from the decision of Judge Jenkins to the Circuit Court of Appeals, where the entire important subject was argued at great length.†

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\*The text of the injunctions and the opinion of Judge Jenkins upholding their legality, filed April 6, 1894, will be found in *Farmers' Loan and Trust Company v. Northern Pacific Railroad Company*, 60 Federal Reporter 803.

†See *Arthur v. Oakes*, 63 Federal Reporter 310.

The appellate court on October 1, 1894, modified the restraining order in two particulars: Firstly, by requiring it to describe the nature of the strikes intended to be enjoined, limiting them to strikes designed to cripple physically the trust property, or actually obstruct the receivers in operating the road, or interfere with the employés who did not wish to quit, or to prevent by intimidation or other wrongful modes, or by any device, the employment of others to take the places of those quitting; secondly, by eliminating from the injunction any order which would prevent the workmen without combination or conspiracy, "from so quitting the service of the said receivers as to cripple the property or prevent or hinder the operation of the said railroad."

It is that portion of the injunction which the appellate court thus modified and weakened which opened upon the head of Judge Jenkins vials of bitter invective, and which has led demagogues even now\* to vituperate and assail him. Such attacks were most unjust. There is no wiser lawyer than Judge Jenkins. He never doubted or denied the inherent right of laborers to work or to quit. But in this particular instance he had in charge a railway some thousands of miles in extent, traversing seven states, engaged in interstate commerce, carrying the United States mails and employing some twelve thousand men who were in fact the court's officers, and responsible to it. Every consideration of faithfulness to his official oath required him to conserve this property, to continue its

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\*See the speech of Senator Benjamin R. Tillman of South Carolina in the Senate, Congressional Record May 3, 1906, page 6397, citing a report adverse to Judge Jenkins made by the Judiciary Committee of the House of Representatives, in the spring of 1894.

usefulness to the government and the public, to nurse its resources, to assist in restoring it a solvent entity to its owners, and to point to its busy, undisturbed stretch of road as a means to soothe the surrounding universal financial disturbance and popular unrest. To compel the employés to assist him and the receivers in such a duty, if an invasion of personal rights was an invasion that fully arose to the dignity of a virtue.\*

And what had been the practical result of the issuance of these December injunctions? Peace and quiet on the part of the men; undisturbed performance of their duties by the receivers, Messrs. Payne, Rouse and Oakes. Strikes were spreading throughout the whole country, while the paralleling Great Northern Railroad was in constant turmoil. The Northern Pacific, so far as the receivers and the employés were concerned, industriously attended to business. When, in October, 1894, the appellate court was ready to decide upon the merits of the injunctions the exigency which brought them to birth had passed and the orders could well be modified into innocuousness.

The usefulness of the government control of the Northern Pacific system was shown in April, 1894, during the excitements caused by the so-called Coxeyites. While "General" Coxey with his motley throng was marching upon the nation's capital, other "generals" in the west were emulating his example. One of these, "General" Hogan, with about six hundred followers in-

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\*For essays of law writers upon the decision of Judge Jenkins and upon "government by injunction," see 28 American Law Review 269; 50 Albany Law Journal 140; 11 Harvard Law Review 487; 97 Law Times, (London) 384. These papers open up the court decisions likewise.

vaded the tracks of the Northern Pacific in Montana, and on April 24, 1894, seized a train. Upon notification to the government through Mr. John W. Kendrick, the general manager of the road, Colonel John H. Page and four companies of United States troops started in pursuit, intercepted the lawless band at Forsythe, Montana, and on April 30 the entire "army" was in camp under military guard at Helena, Montana. Mr. Kendrick's promptness in ridding the system of this mob and incidentally in warning lawless agitators to keep away, received Mr. Payne's warm approval.

Meanwhile the receivers were not neglecting their administrative duties. On April 16, 1894, Mr. Payne was elected the president of the Chicago and Northern Pacific Railroad. On the same day the Chicago and Calumet Railroad passed under his presidential charge. The object of this action was to obtain in the city of Chicago terminals for the Northern Pacific system under its own control.

But the litigation over the indebtedness of the Northern Pacific continued. On August 7, 1895, the Railroad Company appeared in the Circuit Court of the United States for the district of Washington and filed charges against the receivers in respect of the methods of their appointment and of the administration of their trust. The receivers voluntarily appeared and answered to the question of jurisdiction, asserting the ample authority of the court which originally appointed them. This assertion was fully vindicated by Justices Field, Harlan and Brewer, justices of the sixth, eighth and ninth circuits, and acceded to by Justice Brown of the seventh circuit,

all of them recognizing the Circuit Court for the Eastern District of Wisconsin as the court of primary jurisdiction.\*

As to the charges filed against them, the receivers, being in no mood for a lengthy investigation in the State of Washington, filed their resignations as receivers in the court of primary jurisdiction. After the report of the receivers, together with the accounts of their receivership, had been submitted to that court, had been carefully and laboriously examined and had been fully approved, the resignations were accepted September 27, 1895. The further vicissitudes of the Northern Pacific Railroad do not concern this narrative.†

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\**Farmers' Loan and Trust Company v. Northern Pacific Railroad Company*, 72 Federal Reporter 26.

†As to the chief actors in the events mentioned in this chapter: Thomas Fletcher Oakes resides in Concord, Massachusetts, with an office in the city of New York; Henry Clark Rouse died at his residence in Cleveland, Ohio, April 30, 1906; Peter M. Arthur, a Scotchman by birth, died in Cleveland, in 1903; Mr. Kendrick is still living in Chicago, Illinois; Judge James G. Jenkins, having reached retirement age, resigned from the bench February 23, 1905. On November 1, 1906, he was appointed by Judge Alton B. Parker, president of the American Bar Association, one of a committee of nine American lawyers to draft a code of professional ethics for the Association.

CHAPTER XI

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**Later Elections and the St. Louis Convention**

The last reference to Mr. Payne in connection with elections had to do with the mayoralty campaign in Milwaukee in the spring of 1885. This biography need detail no further the particulars of each succeeding contest. The state, county and city having now become Republican, sound judgment and sagacity were alone necessary to maintain them so.

When the summer of 1888 arrived Mr. Payne was a delegate at large to the convention of the Republican party which nominated Benjamin Harrison for the presidency. At the election which followed in November, Mr. Harrison's plurality over his opponent, Mr. Cleveland, in Wisconsin was 21,321 votes.

The legislature chosen at the same election sympathized in politics with the national administration. But a measure introduced into that body in good faith by a Democrat, and enacted, placed the dominant party temporarily in eclipse. Mr. Michael J. Bennett, of Iowa County, was the author of the measure in question, which became a law by the signature of Governor Hoard and by publication April 27, 1889, which is Chapter 519 of the laws of that year and which is entitled *An act concerning the education and employment of children*.

This legislation, familiarly known as the Bennett Law and having for its object the betterment of youth, was

honestly believed by the Lutherans and Roman Catholics to aim a blow at the vitals of their parochial schools—a belief which the Democrats cleverly nursed for political purposes. The Republicans, in opposition to the advice of Mr. Payne and other wise heads in the party, accepted the law as a party issue and made the “little Red School-house”—symbol of free public education—their slogan. The result was the alienation of a large body of German Republicans and the defeat of Governor Hoard for re-election in November, 1890. When Mr. Hoard was a candidate in November, 1888, his plurality had been 20,273; Mr. George W. Peck, Democrat, defeated him in November, 1890, by a plurality in the county of Milwaukee of 6,207 votes and in the state by a plurality of 28,320 votes.

The Bennett Law was repealed by the legislature of 1891—indeed a repealing bill was the first measure introduced in the Assembly after its organization, and the repealing act is Chapter 4 of the Laws of 1891. The return of the disaffected Republicans to their former allegiance, although certain, was slow. In the gubernatorial election in the fall of 1892 Governor Peck was renominated to succeed himself and the Republicans selected Mr. John C. Spooner as their standard bearer. The result of this election was significant of the steady trend of the German Republicans back to their proper paddock. Mr. Spooner carried the county of Milwaukee by 15 votes and reduced the plurality of Governor Peck—which in 1890 had been 28,320 votes—to 7,707 votes. By 1894 the influence of the Bennett Law was no longer felt.

Mr. Payne headed the Republican delegation from

Wisconsin which assembled in Minneapolis, Minnesota, in the summer of 1892, and with delegates from other states constituted the Republican National Convention. The same candidates as in 1888 marshalled the Republican and Democratic hosts, but there was an entire reversal of result—Mr. Cleveland again becoming the president.

When the time drew near for the assembling of the Republican National Convention in 1896 Mr. Payne was placed in a position of some embarrassment. Not very long before he had resigned the receivership of the Northern Pacific; quite recently, as has already been stated, he had been hanged in effigy as a "scab" and as an enemy of labor; quite recently he had been refused election by the Republican State Convention as a delegate at large to the Republican National Convention. But, conscious of his rectitude, none of these things moved him. As a member of the Republican National Committee he attended the National Convention—which held its sessions in Saint Louis—and there met the forces which had been in opposition to him in Wisconsin and whose efforts were now directed towards opposing his retention upon the National Committee. In this attempt they met with a signal failure. He remained upon the National Committee, more firmly seated than ever before. Indeed, the chairmanship of the committee and the management of the impending presidential campaign were urged upon Mr. Payne by Mr. Marcus A. Hanna, who was then the chairman. Mr. Payne declined these positions on the ground that his recent connection with a great strike rendered such prominence unwise. He did, however, accept the position of vice chairman in the campaign.

That Mr. Payne was thus thrust into active association with the approaching important presidential election was not only a vindication of his honor, but a further recognition of his ability as an organizer and manager. And this ability shone resplendent in the campaign of 1896, wherein Governor William McKinley of Ohio and Mr. William J. Bryan of Nebraska were the antagonists. Mr. Payne was the chief reliance of the National Committee. It was he who from the headquarters at Chicago planned the battle. It was through his intimate knowledge of political affairs and his rare good judgment that the issues between the two great parties were placed squarely and fairly before the voters. Mr. Joseph W. Babcock, congressman from the third district of Wisconsin, thus writes concerning the campaign of 1896:

During this time I had the honor of being the chairman of the Republican Congressional Committee and was in close touch with Mr. Payne, consulting with him many times as to details. I was never able to broach a subject that he was not thoroughly posted on and he seemed to have as clear ideas as to matters coming under the jurisdiction of the Congressional Committee as he had of matters pertaining to his own committee.

Mr. Harry S. New, of Indianapolis, Indiana, thus expresses himself concerning Mr. Payne, in political campaigns and as a man:

The strength of his character was impressed upon me in the first days of my earlier acquaintance with Mr. Payne, and as time passed and that acquaintance ripened into warm friendship the fine qualities of his nature grew upon me. I was intimately associated with him in the Republican National Committee through two hard-fought political campaigns and in my judgment his knowledge of politics amounted to genius. He was never at a loss to know what course to take, but was quick to discern and quick to act. His opinions were always sought, and as often regarded, by those with whom he was associated. Impaired physical health was never allowed to interfere with the performance of his work, and indeed in his failure

to heed protests of exhausted nature, he was unjust to himself. His energy and desire to accomplish results were out of proportion to his bodily strength, and there is in my mind no particle of doubt that he exhausted his vitality by imposing upon himself too greatly. Of kindly nature, loyal in his friendship, devoted to his cause, Mr. Payne will be remembered by his associates with affectionate regard. It is good to have known him, and in the years to come I shall cherish the memory of his friendship.

Upon Mr. Payne's return to Milwaukee after the triumph of the Republican party in November, 1896, there was a noticeable change in popular demeanor towards him. Those who had eyed askance the man who did unpopular things because he thus conceived his duty, gathered in throngs in the hotel corridors to grasp his hand, to pour felicitations in his ear, to prophesy a great future for the "Napoleon of the political battlefield." And this man so recently vilified and traduced, now catered to and applauded, tossed his head, sounded forth his cheery laugh and exclaimed, "It's a queer world!"

It was directly after the election of Governor McKinley that prominent mention began to be made of the name of Mr. Payne in connection with the position of postmaster-general in the cabinet of the new president. This was by no means a new mention. Less distinctly, and with growing distinctness, his name had been heard in this connection for the past eight years. Mr. Payne himself had not been unwilling to admit that the position of postmaster-general was the goal of his ambition.

Now that the election of Mr. McKinley was in great measure due to Mr. Payne's exertions, the subject of his entering the cabinet was much printed in the papers. Very many letters of earnest suggestion and request reached the president-elect,—letters from individuals, from political clubs and organizations, from city, county and state

committees. Indeed, the Republican members of the legislature of the state of Kansas in caucus assembled, recommended the appointment of Mr. Payne and sent their recommendation to the newly chosen president.

The appointment failed to reach Mr. Payne—perhaps for reasons of locality, perhaps because he represented a state where factional differences were now rife. The failure was a source of deep disappointment to Mr. Payne, but he nursed no hatreds and preserved no antagonisms. Immediately upon the inauguration of President McKinley, Mr. Payne called upon him at the White House. The president praised him highly for his services in the campaign so successfully ended, and testified his obligation by tendering him his choice of any foreign mission he chose to select except that of France and that of England, which had already been provided for. This tender Mr. Payne, upon his own judgment and upon the advice of his wife, thought best to decline, much preferring residence in the United States. Coupled with newspaper comment upon this declination was the association of his name with the vacancy in the Senate of the United States caused by the expiration of the term of service of Mr. John L. Mitchell.

Aside from his active work in the management of the campaign of Mr. McKinley, two other efforts toward the same end must not pass unnoticed. These are:

Firstly, his essay entitled *Bryan's Fallacies*, prepared for use as a pamphlet for distribution among voters. This is the most ambitious article from the pen of Mr. Payne with which I am acquainted. It is written in an easy, flowing style, and is a clear and spirited argument against bimetallism.

Secondly, his attitude at the Saint Louis Convention

in favor of the gold standard. Much has been written about the employment of the word gold in the financial plank of the Saint Louis platform. It is known that prior to the assembling of the convention Mr. McKinley had not been favorable to the actual use of this word, preferring that an inference in its favor should be drawn from the employment of language pledging the Republican party to maintain the "existing standard." A plank thus phrased was carried by Senator Hanna from Mr. McKinley to Saint Louis. The insertion of the word "gold" after "existing" was the work of the candidate's friends from the middle west in conclave at the Southern Hotel in the convention city. The Washington representative of the *Chicago Times-Herald*, in an article\* entitled *Mr. Kohlsaat of Chicago and his part in the political history-making of 1896*, gives the credit for the salutary amendment to Mr. Herman H. Kohlsaat of the *Chicago Times-Herald* and *Chicago Evening Post*. Claims were made that Mr. Kohlsaat, failing to secure Mr. McKinley's consent to the use of the word "gold" went to Saint Louis and, on the Friday before the convention assembled, met Mr. McKinley's friends at the Southern Hotel and after a long conference in which he was alone against six, secured a majority for the much desired word. The article says, "After a time Messrs. Payne, Merriam and Stone,† who had been somewhat neutral in the discussion, came over to Mr. Kohlsaat's side and this gave a majority in favor of the word gold."

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\*Published in *Review of Reviews*, January, 1897, page 41.

†Mr. Merriam was Governor William R. Merriam of Minnesota, later Director of the United States Census; Mr. Stone was Mr. Melville E. Stone of the Associated Press.

As the writer of the above article was not present at this Friday meeting he speaks from hearsay only, and apparently does not know that Mr. Payne attended this very Friday meeting with a gold plank resolution, already prepared, in his possession. If therefore Mr. Payne was "somewhat neutral in the discussion," his "coming over" to Mr. Kohlsaat's side was a mere external expression of what he already believed and advocated. It may well be doubted, too, if Mr. Payne remained "somewhat neutral" in the discussion. To be outspoken, not "neutral" was Mr. Payne's characteristic, as has already been noticed more than once in these pages. Moreover, there is evidence that shows Mr. Payne hugged the word gold prior to the Friday conference alluded to in the article. Senator Redfield Proctor of Vermont, who was one of the seven at the Friday conference, has written the following narrative, under date of May 4, 1905:

What position should be taken on the gold standard, was the great question before the St. Louis Convention of 1896. It was then certain that Governor McKinley's friends would be in control, and the attitude they might take upon silver coinage and the gold standard was of vital importance. Mr. Payne, a week before the Convention met, called together some of those who favored the nomination of Governor McKinley and urged the adoption of a strong gold plank. Several conferences were held each day for the four days preceding the Friday before the Convention. The regular attendants at those conferences were Mr. Payne, Mr. Kohlsaat, Governor Merriam of Minnesota, Mr. (now Governor) Herrick of Ohio, Mr. Melville E. Stone of the Associated Press and myself. Mr. Hanna was in the room often, but, as he expressed it, he was "too busy in trying to make a President to give much attention to the platform." Others were called in occasionally, but with the single exception named, all from the middle west. Mr. Payne was the active one in getting us together. After each meeting he had the plank typewritten in his room with the changes that had been agreed upon, and copies made for each of us to use at the next conference. I have now several of these copies.\*

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\*Several of these copies are found among Mr. Payne's papers.

Mr. Kohlsaat was also very earnest at the meetings, and through his paper, in advocacy of a strong gold plank. I have a letter from him dated June 22, 1896, in which he says that "a copy of the plank was handed to me by HENRY C. PAYNE, of Wisconsin, on Friday, June 12th, at 9:30 a.m."—the Friday before the Convention. I have a copy given me by Mr. Payne at that time, and there were only two changes made in it, both unimportant and not strengthening the gold feature of the plank. It was wired to Governor McKinley that afternoon and received his approval, although he had earlier approved a milder expression, avoiding the explicit declaration for a "gold standard."

Mr. Payne, from his wide political acquaintance and influence, was potential in securing the assent of delegations enough before the Convention met, to make its adoption certain. Mr. Kohlsaat urged it with great force in his paper.

The policy of adopting this gold plank was decided upon by men of the middle west, and its adoption made sure by them, and to no one is greater credit due for a result fraught with great good to the country than to Henry C. Payne, of Wisconsin.

And Mr. Merriam, already mentioned as another of the seven, thus writes:

The friends of Mr. McKinley, the leading candidate of the Republican party for the high office of President of the United States, were determined not only to nominate him, but to place a plank in the platform of the party declaring for gold as the sole standard for money in the United States.

Wisconsin a sound money state, by reason of its conservative, law-abiding and patriotic citizenship chose a strong delegation to represent its interests at the St. Louis Convention, headed by Hon. Henry C. Payne. Living in a neighboring state, I had known Mr. Payne for some years very favorably, with a high opinion of his character and ability as a leader. His selection as a delegate to the Republican Convention insured a good advocate for the gold standard as well as a determined and uncompromising champion in a cause which so many of us deemed the most important public question for a generation.

Minnesota Republicans had announced through their convention their adherence to the gold standard and had instructed their delegates, myself among others, to spare no efforts to have placed in the Republican national platform a straight out declaration for gold as the money standard for the country.

On my arrival in St. Louis a few days before the opening day of the Convention, I found among others on the ground and ready

for the fray, Mr. Payne, who was at the headquarters of Mr. Hanna, the chief representative of Mr. McKinley. Several other friends of the candidate had also arrived, and meetings were constantly held in Mr. Hanna's rooms for the purpose of putting into shape the proposed declaration for a gold plank. Among others who were present during the various conferences were Mr. H. C. Payne, of Wisconsin, Senator Proctor, of Vermont, Col. Myron Herrick, of Cleveland, Ohio, Mr. Melville C. Stone, of Chicago, Mr. Herman Kohlsaat, of Chicago, the writer of this sketch, and, of course, Mr. Hanna.

The outline of the plank to be used in the proposed platform was presented by Mr. Payne, advocated by him, and finally adopted with some modifications by the members of the conference. It was discussed for several days, and at times the conflicting opinions threatened to disrupt the self-constituted committee, but in the end the work of the gentlemen referred to was chosen as the expression of the Convention. When finally in form, it was submitted to the leaders of the party, among others Senator Foraker, of Ohio, Senator Lodge, of Massachusetts, and Senator Platt, of New York, and all agreed as to its desirability and as expressive of the will of the party. During the many conferences held in Mr. Hanna's room lasting very frequently until the early morning hours, Mr. Payne was the insistent and determined advocate of a plain and unequivocal declaration, on the part of the Republican party, of the policy of adopting the gold standard. While he listened with patience and forbearance to those who were quite willing to avoid the main issue and take a doubtful position on the question, he was firm and unyielding; and to him is due the credit of helping to inject into the platform of a great political party, a declaration that resulted in the election of William McKinley, and the most prosperous period in the world's history. Payne showed his characteristics thoroughly in this contest. He was of most gracious and delightful personality, with the best of temper, and yet withal decided and uncompromising with a principle at stake. He was thoroughly impressed with the idea, as many of us were, that the time had come to let the world know that the people of the United States propose to maintain its commercial integrity at any cost and at all hazards, and that the Republican party with its splendid past should be the chosen vehicle to accomplish this result.

Mr. Payne accomplished much in various walks of life, notably as a successful business man and as a faithful public servant. His work at St. Louis was, in my judgment, the most important in his career, and too much credit cannot be awarded him for his splendid effort in behalf of a sound currency and untarnished public credit.

Mr. Payne's own version of the history of the gold plank, prepared by him at the request of Senator Hanna not long after the adjournment of the Saint Louis Convention, was printed in the Milwaukee *Sentinel*, June 25, 1896, and is as follows:

I arrived in St. Louis on Wednesday of the week before the Convention and on that day called on Mark A. Hanna at the Ohio headquarters, and discussed with him the financial plank to be inserted in the platform. Mr. Hanna handed me some memoranda which he had, covering the points which he thought should be embraced in that plank, requesting me to put them in form and submit them at a conference of a few friends and representatives of Governor McKinley the next morning.

I put them in form, and in the morning met Mr. Hanna, Gen. Osborne, and Mr. Herrick, all from Ohio. At this conference the main points of the plank were agreed to, some minor changes suggested, and I was requested to put the modified draft in proper form and submit it to a meeting of Governor McKinley's friends to be held on Friday morning, and the following is the draft then submitted:

"The Republican party is unreservedly for sound money. It caused the enactment of the law providing for the resumption of specie payments in 1879; since then every dollar has been as good as gold. We are unalterably opposed to every measure calculated to debase our currency or impair the credit of our country. We are therefore opposed to the free and unlimited coinage of silver, except by international agreement with the leading commercial nations of Europe, and until such agreement can be obtained we believe the existing gold standard should be preserved. We favor the use of silver as currency, but to the extent only that its parity with gold can be maintained, and we favor all measures designed to maintain inviolably the money of the United States, whether coin or paper, at the present standard, the standard of the most enlightened nations of the earth."

This draft was submitted to a conference of Governor McKinley's personal friends and supporters on Friday morning, at which were present Governor Merriam of Minnesota, Mr. Kohlsaat of Chicago, Senator Proctor of Vermont, M. A. Hanna and M. T. Herrick of Cleveland, and myself. It met with their unanimous approval, whereupon it was telegraphed to Governor McKinley, and his approval of it was received within a few hours.

Governor Merriam represented Minnesota on the Committee on

Resolutions. The plank as drawn was handed to him and by him and Mr. Hanna submitted to Governor Foraker of Ohio, who was selected as chairman of the Committee on Resolutions, and it was approved by Governor Foraker.

Upon the arrival of the eastern delegates before referred to, Governor Merriam conferred with them, stating that this draft met with the approval of the supporters of Governor McKinley, and it was declared by these gentlemen to be satisfactory.

The Committee on Resolutions made some few verbal changes in it, but none affecting the spirit or essence of its declaration. It will therefore be seen that a great injustice is being done to the western Republicans, and especially to Governor McKinley and his personal friends by the statement that the financial plank was reluctantly accepted by them, when as a matter of fact it originated wholly in the house of his friends.

That Mr. Kohlsaat, in his independent newspapers, vigorously favored the word gold as necessary to be used in the platforms of both or either of the great parties may well be admitted, but the statement that at Saint Louis he converted Mr. Payne to his views or antedated him in the preparation and presentation of a gold plank for the platform of the Republican Convention of 1896, is denied.

Two references of a more general character follow: The Chicago *Herald* of December 14, 1897, contains this sentence in regard to the gold plank in the Saint Louis platform:

That plank was the result of the labors of Henry C. Payne of Wisconsin, ex-Governor Merriam of Minnesota, Myron T. Herrick of Cleveland, Mark A. Hanna and two others, all of them close friends and supporters of Governor McKinley.

A letter from Mr. Herrick, who, when he wrote December 12, 1905, was the governor of Ohio, contains this passage:

I remember Mr. Payne, especially in the Saint Louis Convention in 1896 when McKinley was nominated the first time, when we were endeavoring to harmonize the silver men of the west and the gold men of the east, by the introduction into the platform of a money

plank. Here Mr. Payne shone in his diplomacy and versatility, both in framing the plank and afterward in preventing the extremists of both factions from leaving the party. He labored unceasingly, and the valuable results of his work in that Convention will never be known to the people. I sincerely believe that he gave his life to his party and to his country.

## CHAPTER XII

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## Unequal Representation in Conventions

After an interval of six years, Mr. John C. Spooner was re-elected to the Senate of the United States, January 27, 1897, by the legislature of Wisconsin, receiving every Republican vote in the Senate, 29 votes, and every Republican vote in the Assembly, 91 votes. A close and warm friendship long existed between Senator Spooner and Mr. Payne, and the latter was exceedingly anxious that the Senator, whose former career in Congress had been brilliant and statesmanlike, should again gain senatorial position. The accomplishment of this result was no less gratifying to Mr. Payne than to Senator Spooner, whose continued usefulness and influence in Congress have amply justified the legislative selection.

It is perhaps unduly dignifying a malicious and vilifying writing to notice an article which appeared in a monthly magazine of June, 1906, concerning political affairs in Wisconsin in 1897, and which contains a reference to the subject of this biography. The author declares that the Wisconsin legislature of 1897 was a "Payne legislature," that it "did not represent the people," that "it was for the most part a rotten aggregation of Republican and Democratic hacks swept in by the Payne-Spooner gang on the tide against free silver," and that "it was not unnaturally suspected that Spooner's friends had to 'give down' for his election."

There need be no hesitation in characterizing these assertions as wholesale and malevolent libels; cruel, also, because they affect in part a man whose protest against them death has stilled. That the legislature "did not represent the people" is an amusing, as well as an amazing, charge when it is considered that the Republicans carried Wisconsin and the legislature by the unparalleled plurality of 103,000 votes. As to the indirect insinuation of bribery, this charge is easily made and it sells magazines. Senator Spooner, who must have been knowing to improper acts to secure his election, declared in 1897, "No improper influence of any kind was employed in my behalf." And for that matter, why should there have been? There was no other candidate for the Republican nomination,—why then bribe? On joint ballot of the Senate and Assembly there were 120 Republican votes, of which Senator Spooner received 120—why then bribe?

I have thought best to alphabetize a portion of the so-called "rotten aggregation of Republican hacks swept in by the Payne-Spooner gang" and constituting a part of the "Payne legislature" of 1897, and who are open to the charge of having been bribed by "Spooner's friends" in order to secure his election. The list might be greatly increased:

Frank A. Anson, Milwaukee; William H. Austin, Milwaukee; Charles H. Baxter, Lancaster; George A. Buckstaff, Oshkosh; Byron A. Buffington, Eau Claire; Silas Bullard, Menasha; James O. Davidson, Soldiers' Grove; Charles W. Davis, Oshkosh; William H. Devos, Milwaukee; Fred A. Dennett, Port Washington; Abner S. Flagg, Edgerton; William M. Fogo, Richland Center; William H. Froehlich, Jackson; Charles T. Fisher, Wau-

watosa; Albert R. Hall, Knapp; Frank E. Hurd, New Lisbon; William H. Hurlbut, Elkhorn; Andrew Jensen, Ogdensburg; David F. Jones, Sparta; William A. Jones, Mineral Point; Clarence A. Lamoreux, Ashland; William T. Lewis, Racine; James J. McGillivray, Black River Falls; Andrew C. Mailer, DePere; Charles W. Merriman, Beloit; Oliver G. Munson, Viroqua; Clarence E. Peirce, Germania; Solon W. Pierce, Friendship; Henry C. Putnam, Brodhead; George H. Ray, La Crosse; John F. Reynolds, Genoa Junction; Julius E. Roehr, Milwaukee; Gilbert Rutherford, Lake Mills; Charles A. Stanley, Chippewa Falls; DeWayne Stebbins, Ahnapee; Jesse Stone, Watertown; James H. Stout, Menomonie; George W. Taylor, Marinette; Lyman W. Thayer, Ripon; John W. Thomas, Anson; Henry M. Thompson, Mosinee; Ernst G. Timme, Kenosha; Nathaniel B. Treat, Monroe; John M. True, Baraboo; Charles H. Welch, Milwaukee; Chauncey B. Welton, Madison; John W. Whelan, Mondovi; William G. Wheeler, Janesville; John M. Whitehead, Janesville; Herman C. Wipperman, Grand Rapids; Levi Withee, La Crosse; George W. Wolff, Rhine; Dempster W. Woodworth, Ellsworth; George Wylie, Leeds.

What citizen of Wisconsin will call these men "a rotten aggregation of Republican hacks"?

As the presidential campaign of 1900 drew near Mr. Payne began to agitate the subject of a change in the representation at National Conventions from the basis of congressional districts to a basis which would be more just to the states that furnished the Republican majorities. This was not a new subject either with him or with other members of the National Committee, but the present time when there was to be no contest for the nomination for

the presidency seemed an especially appropriate season for pushing the change. The vice of the existing system was that Southern states, where there was little or no Republican suffrage, had an equal representation in conventions with the Northern states where Republicans are largely in numerical ascendancy. Examples of the present inequality are given by Mr. Payne in a telegram sent November 30, 1899, to the *New York Press* at its request, which was of the following tenor:

Can any one give a good reason why the states of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, South Carolina, casting 200,076 Republican votes at the last Presidential election, should have 124 delegates in the National Convention, while New Jersey, casting 221,367 Republican votes, should have but twenty delegates? In other words, the states mentioned have more than six times the voice in determining our nominee that New Jersey has, notwithstanding it is not conceivable that they can give a single electoral vote to the Republican candidate. The vote of New Jersey is almost essential to Republican success. Or why should these states have nearly twice the voice of New York with 819,838 Republican votes? Is it just, fair and wise that the southern states referred to should have fifty per cent. greater voice in the selection of a candidate than New York and New Jersey combined, when the vote in those two states is the determining factor in the election of our candidates? It is quite possible that these hopelessly minority states may be potential in naming a candidate who would be so objectionable to some of the strong Republican states of the North as to make it impossible to succeed in the election. It is not to be supposed that the representatives of the southern states referred to can be in touch with the Republican sentiment in the North and that they can judge as intelligently or wisely what is best to be done as delegates representing great Republican strongholds. It is opportune that this change in representation should be made at the coming Convention for the reason that there will be but one candidate for the nomination. It is impossible to secure the change when several candidates are seeking the nomination. Is it not entirely fair and just that all Republicans should have an equal voice in the naming of our candidates? What good reason can be given that one Republican in Mississippi should have forty times as much voice in naming our candidate as a Republican in the State of Illinois?

These illustrations exhibit forcibly the injustice to which the author of the despatch alluded, and justified him in the preparation of the following preamble and resolution, which he anticipated presenting to the National Committee at its approaching meeting:

WHEREAS, The present basis of representation in Republican National Conventions is unjust and unequal, and this injustice should be remedied; therefore

*Resolved*, That the Republican National Committee recommends to the next National Convention that a new basis of representation be established, as follows:

Each state to be entitled to four delegates at large, and one additional delegate for each ten thousand votes, or majority fraction thereof, cast at the last preceding Presidential election for Republican electors; and four delegates from each organized territory and the District of Columbia; and be it

*Further Resolved*, That in allotting delegates to the states as provided, aside from delegates at large, they shall be divided as near as practicable among the several Congressional Districts of the states, the basis shall be the same, and where it is necessary to unite one or more Congressional Districts for the purpose of carrying out this resolution, contiguous districts may be united.

These tentative expressions were mailed in advance to the other members of the National Committee and were given large publicity in the press. Among the committeemen there was wide, but not unanimous approval. But in the newspapers in certain sections, especially throughout the south, there was forthwith great uproar. The *Weekly Press* of Mobile, Alabama, a Republican paper edited by a negro, headed its protest, "Attempted Outrage," and averred that Mr. Payne was trying to drive the colored voters out of the Republican party. Another Southern paper—and these two are samples of many—took for the text of its violent objection the phrase, "Freezing Out the Black Delegates." The point was made with great plausibility that if the Republican votes

willing to be cast, or actually cast, in Southern states, could really be cast, or could honestly be counted as cast, there would be no inequality or injustice in the present basis of representation and that it would be wrong to accept the count—notoriously incorrect—furnished by brow-beating and bulldozing Democratic inspectors as the test to regulate the basis of representation in Republican conventions.

Moreover, questions of expediency and policy urged in opposition to the change: To diminish the strength in convention in any minority state is to discourage the struggle for supremacy, to humiliate the faithful, to acknowledge a weakness that time might overcome, to place a premium upon membership in the opposing party, to narrow the chances of party success in future emergencies, to make despondent those contending for political principles without the present hope of political reward.

Considerations like these were very potent. When the National Committee met in Washington, December 16, 1899, while not abating his desire, or yielding the argument, Mr. Payne found that Mr. McKinley, who was to be the only candidate for president before the forthcoming convention, and Senator Hanna, chairman of the National Committee, were opposed to the presentation of the resolutions and that committeemen who had favored them in private correspondence, had been stormed into opposition by letters and telegrams from every source. As a consequence Mr. Payne, feeling the futility of the present effort, addressed the Committee as follows:

I ask the Committee to honor me with its attention for a few minutes for a statement somewhat personal in its nature.

It is well known by members of the Committee, both from the public press and correspondence with them, that I have intended to

offer and advocate the adoption by the Committee of a resolution recommending to the next Republican National Convention a change in the basis of representation in subsequent conventions. I some time since gave to the press, for publication and discussion, the resolution which I had prepared to present to the Committee upon the subject.

Briefly stated, it proposed to make the National Convention, which nominates Republican tickets and formulates Republican platforms, *fairly* representative of those who *vote* for Republican platforms and Republican principles. The proposition has received the support of almost the entire Republican press of the country, and I have reason to believe that upon its merits, as well as upon grounds of expediency, it has the support of a large number of this Committee.

I have not in the slightest degree changed my conviction as to its justice, nor have I the slightest doubt as to its expediency. Within a day or two it has encountered opposition which I had no reason to anticipate, including that of the Chairman of this Committee. It is sufficient for me to say that out of my regard for his opinion, and the opinions and wishes of others high in the councils of the party, to which, as a loyal Republican, I feel bound to defer, I am constrained not to offer the resolution.

I thank the Committee for its indulgence, and I have made this statement only in obvious justice to myself.

What is further to be said upon this topic will here be gathered:

The *Review of Reviews* thus commented:\*

In the National Republican conventions Mr. Payne has been the chief advocate of a very desirable reform yet to be accomplished, namely, the apportionment of membership on the basis of the actual party vote as given in the previous national election. This would exclude nine-tenths of the delegates from the far South.

The subject was more quietly agitated between the meeting of the National Committee just mentioned and the opening of the Republican Convention, in Philadelphia, in June, 1900. At this convention Senator Matthew S. Quay, of Pennsylvania, called the attention of the mem-

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\*Number for January, 1900, Volume XXV, page 20.

bers to the injustice of the present basis of representation, but at the urgent solicitation of influential fellow members of the convention he did not insist upon immediate action, and the matter was again postponed.

At this convention, and since, prominent Republicans from Rhode Island have been forward with a proposed change in the basis of representation founded upon Mr. Payne's plan, but providing for a reduction in the basis of representation only in those states where the Republican vote is unterrorized, and free to be counted. In agitating the change in the basis of representation, the mantle of Mr. Payne has fallen upon other members of the National Committee.

CHAPTER XIII

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**McKinley and Roosevelt**

As the time for the National Convention of 1900 drew on apace two things were very evident: one, that Mr. McKinley was the certain candidate to succeed himself; the other, that the name of the vice-presidential nominee was as uncertain as that of his senior was certain. Mr. Payne was very anxious that the nomination for the second place should go to Mr. Elihu Root, of New York, who was then in the Cabinet as Secretary of War. His solicitude in this particular is evident from despatches in the New York papers in January, 1900, of which the following are specimens:

From *New York Tribune*, January 11, 1900:

MILWAUKEE, Wis., Jan. 10.—Henry C. Payne, National Republican Committeeman for Wisconsin, to-day received a letter from Secretary Root, in which the latter states that he is not, and will not be, a candidate for Vice-President of the United States. In his letter Mr. Root expresses the belief that it is far more important to the country, the Administration and the Republican party at this time, that he should continue to attend to the business of the War office—not that there are not plenty of other men who could well discharge the duties of Secretary of War, but having spent five or six months in becoming familiar with the subject, no other man could step in and take up the work without going through the same training.

From *New York Sun*, January 11, 1900:

WASHINGTON, Jan. 10.—Secretary Root this afternoon confirmed the report that he had written a letter to Henry C. Payne, of Wisconsin, Vice-Chairman of the National Republican Committee, declining to accept a nomination for Vice-President. Secretary Root's

reason for his declination is that he believes that he can be of more service to the country, the Republican party and the Administration by remaining at his desk in the War Department and devoting himself to military matters. He said to *The Sun* representative:

"Important questions are before the War Department, questions which cannot be settled for some little time, and while the President could certainly get some good and able man for the position of Secretary of War, no one could come into the Department and acquire familiarity with matters before the department and questions under consideration for the Army without going through the same education that I have. Should I accept the Vice-Presidency I would be leaving my work in the Department unfinished. I consider it far more important for the country, the Administration and for the Republican party for me to stay in the War Department and attend to my work here. Having these reasons in mind I wrote to Mr. Payne, explaining to him that I could not accept the Vice-Presidency."

The letter to Mr. Payne was written about three weeks ago. Mr. Payne communicated with Secretary Root, asking if there was any objection to its being published. Secretary Root replied that there was no objection to stating its purport.

Mr. Root having thus eliminated himself from possible candidature, Mr. Payne's thoughts were directed towards Mr. Theodore Roosevelt, then serving as Governor of the state of New York. Three considerations were dominant in Mr. Payne's mind; one, that the vice-presidential candidate should be selected from the oscillating and important state of New York; a second, that such candidate should be able to unite the warring factions which in that state were dividing and weakening the Republican party; third, that the vice-presidential candidate should be himself strong presidential timber, in case any untoward accident should befall the chief—a melancholy contingency that actually happened. In late January and early February, 1900, correspondence and personal interviews occurred between Governor Roosevelt and Mr. Payne, and the latter, in a visit which he made to Albany at the

former's telegraphed request, strongly urged upon the Governor to permit the use of his name in the approaching convention. But at that time Governor Roosevelt steadily refused, preferring the strenuous activity of the gubernatorial office at Albany, to the comparative quietude and serenity of the vice-presidency.

The intimacy then formed between these two men had its later important results. Although acquainted and even personal friends before, it was these letters and these confidential talks that made each man a great admirer of the other. Therefore when, early in the spring of 1900, efforts were initiated by opponents of Mr. Payne in Wisconsin to exclude him from the National Committee, Governor Roosevelt wrote the following letter to the *Milwaukee Journal*, which had requested his opinion of this move:

EXECUTIVE CHAMBER, ALBANY, N. Y., March 12, 1900.—Editor *The Milwaukee Journal*, Milwaukee, Wis. I most earnestly hope that Mr. Payne will be re-elected member of the National Republican Committee and cordially endorse every word that Senator Spooner has said about him. I believe that every Republican that has the welfare of the party sincerely at heart feels that it would be little short of calamity if Mr. Payne were not to continue to take part in directing the national interests of the party. It has been my good fortune to be thrown with him somewhat intimately. I have felt a constantly increasing respect for him, not only for his keen ability and insight, but for his sense of the real national needs—for his intense appreciation that only by serving these real national needs can any party really deserve success.

Philadelphia was the place fixed by the National Committee for the meeting in 1900 of the presidential convention of the Republican party, and June 19 as the opening day. Mr. Payne, as one of the sub-committee of the National Committee, was early on the ground for the preliminary work. Indeed, he had been in Philadelphia on

June 10, to attend a banquet given to the committeemen by the Young Republican Club of that city. At this gathering Mr. Payne made an earnest speech intended for a far wider audience than listened to it, cautioning the party throughout the country against over-confidence, deplored the factional fights in the party which threatened its success and urged that new issues now confronting the party be met resolutely and squarely. This speech was broadly copied and commented upon. The Democrats exulted that so shrewd a political observer should feel so despondent, some Republicans claimed that Mr. Payne had the blues, while others declared that he attached too great an importance to petty discords in Albany, Saint Louis and Milwaukee. The truth is, that Mr. Payne—wise general that he was—was following his usual custom of bracing the soldiers for the fight and of warning them that the time to exult was when, as victors, they took their armor off.

Following this gathering Mr. Payne was busy by letter and telegram in declining with great positiveness any use of his name for the vice-presidential nomination—a use which not a few admiring friends were insisting upon.

At the meetings of the National Committee held just previous to the opening of the convention, Mr. Payne presided in the absence of Chairman Hanna, who was late in reaching Philadelphia.

The nomination of Mr. McKinley for the presidency, so long foreshadowed, was a comparatively tame affair. The uncertainty about the candidate for vice-president kept committeemen and delegates alike alert. Governor Roosevelt was in attendance upon the convention as a

delegate. During the first day, June 10, he had maintained the same opposition to the vice-presidential nomination which he had exhibited months before in privacy to Mr. Payne and which he had consistently since then maintained. As the *New York Tribune* printed during the convention:

Governor Roosevelt was perfectly honest and above board in the position he has taken and held, that he did not want the vice-presidential office. He was absolutely unprepared for the overwhelming demand for his nomination he was to be called on to face, and it is not too much to say that he was absolutely overcome by it. As delegation after delegation came to him and urged him to run, little by little it was borne in on him that he must respond to this demand of the country for his services.

Governor Roosevelt, so long and so firmly declining, had accepted. Senator Cullom, of Illinois, was asked the reason of this and he answered: "The broadest reason possible. He yields to the wishes of the people of the United States." Was this chance, fate? Nay, the Hand that in infinite wisdom did not interpose to shield the illustrious McKinley from the nameless assassin's weapon, prepared, through the clamorous persistence of these delegates, his no less illustrious successor!

What happened in the Wisconsin delegation in the morning of June 20, is thus described in the *New York Evening Post* of the same day:

At eleven o'clock this morning, before Gov. Roosevelt had arrived at his headquarters, news came of a blow at the Governor's hope of escape, aimed by Henry C. Payne and the Wisconsin delegation. Wisconsin had a meeting, and hardly were the doors closed when Mr. Payne arose, and in a vehement speech declared that Roosevelt would be the nominee of the Convention. "It is time this factional business in New York State should be settled from the outside," he said. "This is a national, not a state gathering. We are here to nominate a national ticket, not to dicker over New York State's personal affairs." (Applause.) Then, raising his hand, he

said in an impressive and impassioned manner: "Before Wisconsin is reached on the roll-call, willingly or unwillingly Theodore Roosevelt will have received 75 per cent. of the votes of the Convention. I move that Wisconsin join the popular column and vote for, not New York's son, but the nation's son, Theodore Roosevelt."

Amid a burst of applause the resolution was adopted by a unanimous vote. Mr. Payne, when spoken to after the meeting, said: "I believe that everything points to Roosevelt's nomination, and I don't think he dares refuse it."

McKinley and Roosevelt being the nominees of the Convention, it became the duty of the National Committee to undertake the task of electing them. Mr. Payne had been unanimously named by the Wisconsin delegation to succeed himself upon the National Committee, and on June 21, Chairman Hanna of that Committee appointed the following as the new Executive Committee: Mr. Payne; Mr. Joseph H. Manley, of Maine; Mr. Nathan B. Scott, of West Virginia; Mr. Harry S. New, of Indiana, and Mr. George L. Shoup, of Idaho.\* Mr. Payne was in charge of the western headquarters in Chicago, and from there the work of the campaign was directed. Into its details this narrative need not go. It is sufficient to write that Mr. Payne followed his own note of warning, that he assumed no confident air and uttered no vain boastings, that the voters were supplied with documents and satisfied with speeches, that the enemy's moves were checked and his plans thwarted, and that—the fight being over—the issue was awaited with the serenity that knows no fear.

When the votes were counted in November, 1900, it was recorded that the plurality of President McKinley

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\*All the members of this committee were warm personal as well as political friends of Mr. Payne. No more sorrowful letters reached Mrs. Payne upon the death of her husband than came from Messrs. Manley, Scott and New.

over Mr. Bryan was 861,373 votes; that in the electoral college the former had 292 votes and the latter 155 votes; that the former carried the state of Wisconsin by a plurality of 106,597 votes, the county of Milwaukee by a plurality of 9,194 votes, and the city of Milwaukee by a plurality of 6,507 votes. The seven Southern states mentioned in Mr. Payne's telegram to the *New York Press* (see page 102), Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi and South Carolina, cast a joint vote of 166,298 ballots for McKinley and Roosevelt, while the state of Wisconsin alone cast 265,760 votes for the same candidates.

Soon after the inauguration of President McKinley, on March 9, 1901, Mr. and Mrs. Payne left New York on a trip to the Mediterranean and Black Seas. On their return trip they reached Naples, April 22, 1901, where they left their vessel and traveled leisurely in Italy, France and England.

This trip and consequent freedom from responsibility and care had been rendered obligatory by the impaired condition of Mr. Payne's health. For some five years or more he had been subject to fainting spells and to attacks believed by physicians to be epileptical in their nature, and to be due to indigestion. These attacks had greatly weakened his constitution and caused his friends to view with regret any assumption of responsibilities which gratified ambition might induce him to accept.

The visit of President McKinley to the Pan-American Exposition at Buffalo, New York, his assassination, his heroic contest with death, his defeat, and the administering of the oath of office in Buffalo to Theodore Roosevelt, his successor—these events belong to history and need not delay these pages.

CHAPTER XIV

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**Postmaster-General**

In obedience to his determination to accept the Cabinet of his predecessor and to retain the same until the members should themselves desire to withdraw, the position of postmaster-general continued with President McKinley's appointee, Mr. Charles Emory Smith, under the administration of President Roosevelt, until the close of the year 1901. Mr. Smith then resigning, the way was open for the President to name a cabinet officer of his own choice, and his friend, Mr. Payne, was named. The appointment was decided upon in December, 1901; he was nominated and the Senate confirmed the nomination January 8, 1902, and the oath of office was administered by Chief Justice Fuller, of the Supreme Court of the United States, January 15, 1902. At the ceremony were present the President and members of his cabinet, and other officials, and also Mrs. Roosevelt and Mrs. Payne. The assistant postmasters-general when Mr. Payne's term began were Mr. William M. Johnson, Mr. William S. Shallenberger, Mr. Edwin C. Madden and Mr. Joseph L. Bristow. Mr. Francis H. Whitney,\* of Milwaukee, was private secretary to the Postmaster-General. Mr. Payne's Washing-

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\*Mr. Whitney began his service with Mr. Payne April 18, 1892, as stenographer and clerk and was for many years his confidential secretary in Milwaukee before the theatre of his valued services was transferred to Washington.

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ton residence was at Number 1523 H Street, an historical house now connected with the Arlington Hotel.

I should expand this volume to a ponderous octavo should I attempt to print the letters and telegrams of congratulation which from every side poured in upon the newly appointed officer, whom his intimates now slyly began to dub General. While most of these missives were full of hope and promise for the future, there ran through some the minor note of sorrow, that with health impaired and constitution far from rugged, Mr. Payne should venture to assume an office so burdened with responsibilities, and so perplexing with details. Yet with the ambitions of his manhood now fully realized Mr. Payne was in no frame of mind to retreat, and he entered upon his arduous duties in happiness and with zeal.

His long incumbency of the post office in Milwaukee was no mean schooling for his more exalted position. The files of the United States Official Postal Guide beginning with the month of February, 1902, exhibit the vigor and efficiency of the new chief. During his administration parcels post conventions were concluded between the United States and Bolivia, Japan, Norway and the colony of Hong Kong, the parcels post convention with Germany modified in the interest of American citizens, and a postal convention concluded with Cuba. In June, 1902, the entire postal service was grouped into fifteen geographical divisions, each under the charge of its own inspector, and the rural free delivery system was organized into eight divisions.\* By later orders the de-

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\*See *U. S. Official Postal Guide* for January, 1903, Volume XXVII, Part 1, pp. 1-10. The rural free delivery system was first established in 1891, but was not fully developed until 1902, the rural free delivery system being fully organized under Mr. Payne's administration.

tails of this latter service were regulated to the end that boxes properly shielded from the elements should be used, and that carriers should be prompt and be not impeded by private errands. Among the improvements made were such as these: provision was made for the redemption of uncanceled and unserviceable postal cards; the position of physician, except in the largest post offices, was abolished; the tone of post offices was improved by prohibiting loafing, disorderliness and profanity about the buildings; recommendation was made to Congress to consolidate mail matter of the third and fourth classes as blending into each other; an order was formulated that husband and wife should not both draw salaries from the public treasury, a woman employé in the postal department being expected to resign upon her marriage with another employé; provision was made that reading matter in raised characters should be carried through the mails free for the benefit of the blind; approval was given of the innovation of placing the representation of the head of a woman upon a postage stamp, by accepting that of Martha Washington for the eight cents stamp; post offices were established on the canal zone at Panama; frequent orders were issued forbidding the use of the mails by, or the benefits of the money order system for, proprietors of lottery schemes, whether in the United States or abroad; a movement was inaugurated looking to the exclusion from the mails of literature promoting the sale of certain kinds of patent medicines and nostrums; regulations were provided for the mailing of identical pieces of mail of the third and fourth classes without the affixing of stamps, providing postage had been prepaid; corrections were initiated of the abuses growing out of the overcrowding of the mails with

second class matter; mailing-tube systems were installed in some of the larger cities; the regulations of the civil service relative to promotions were enlarged especially in fourth class offices; economy of administration was enforced; adherence to rules enjoined, fidelity recognized, dishonesty punished.\* An innovation proposed by Mr. Payne that letter boxes be placed on street cars was opposed by labor unions on the ground that this would give street cars the sanctity of government mail carriers which might lead to federal interference with trolley strikes.

On June 6, 1902, Secretary of the Treasury Shaw, Postmaster-General Payne and Attorney-General Knox were appointed† by the Congress a commission to acquire a site in the city of New York for the erection of a fire-proof building for post office purposes. Several visits were made by this commission to the city of New York in the winter of 1902-3. It was evident, however, not only that the present office in the lower portion of the city must be retained, but also that more than one additional structure was needed to satisfy the enormous business of the borough of Manhattan. As a consequence the commission recommended the purchase of a site on Eighth Avenue between Thirty-first and Thirty-third Streets, and also the lease for twenty-five years, with an option for a

\*For the various phases of litigation growing out of some of Mr. Payne's improvements, see *Chicago Business College v. Payne*, 20 Appeal Cases, D. C., 271; *Fay, ex rel. National Kiln Company, v. Payne*, 20 Appeal Cases, D. C., 281; *Payne v. Boller, S. G. T. Co.*, 21, 22 Appeal Cases, D. C., 250; *Payne v. Hawley*, 22, 23 Appeal Cases, D. C., 234; *Hawley v. Payne*, 194 United States, 84, 93; *v. Payne*, 194 U. S. 101. See also Letter of the Postmaster-General to the Senate, February 26, 1902; *Review of Reviews*, February, 1902, XXV, 20; *Review of Reviews*, January, 1903, XXVII, 14.

†See Section 13, Chapter 1036, Statutes of 1902, 57th Congress, First Session.

like period additional, of a site within the space bounded by Lexington and Madison Avenues, Forty-second and Forty-sixth Streets. These sites were selected on account of their contiguity to the terminals of the Pennsylvania and New York Central Railways respectively, and with the expectation that commodious buildings would be erected thereon directly over the tracks of these railways so that mail could be loaded and unloaded without wagon service. The plan contemplated that these two new offices with the present down town office should constitute "a three-in-one post office," the three structures being so connected by tubes that they would work practically as one. Congress was satisfied with the work and the selection of the commission and made appropriations\* for the purchase and leasing respectively of the sites chosen. But Mr. Payne was not to survive to see even the beginnings of these gigantic improvements.

Mr. George B. Cortelyou, Postmaster-General in succession to Mr. Payne, thus closes his annual report for the year ended June 30, 1905:

Of the seven Postmasters-General whom I have had the privilege of knowing while they were at the head of this Department, three are now dead. I served under two of these—Wilson S. Bissell and William L. Wilson—and was fortunate in being intimately associated with them. I see no impropriety in bearing testimony at this time to the loyalty and devotion with which they strove for the betterment of the postal service. However men may differ as to some features of their policies, there can be no question that they strove faithfully to maintain the best traditions of the Department. The third—Henry C. Payne—though embarrassed by grievous physical afflictions, carried the burden of a prolonged and exhausting investigation with self-sacrificing fidelity, and since I have had charge of the Department there has frequently come to my notice official evidence of the progress made during his administration.

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\*By Chapter 1759, Statutes of 1904, page 434, 58th Congress, Second Session.

In a speech delivered in the Senate, April 9, 1904, by Senator Spooner, upon consideration of the post office appropriation bill for the year ending June 30, 1905, the following words were uttered by him:

Postmaster-General Payne is a citizen of Wisconsin. At the time of his appointment he was not a candidate for the position, nor did I seek it for him, although I knew it had been the ambition of his life to be Postmaster-General. I have known him many years, Mr. President, and during those years he has afforded so many evidences of the possession of rare executive ability as to place himself in that regard beyond reach of successful challenge. He came into the Postmaster-Generalship unhappily handicapped to some extent by ill health, but I do not hesitate to say here that no man ever entered the Cabinet with a higher ambition to render good service to the public, and to achieve the distinction which able and faithful service in high place brings to one who renders it, than he. His sense of responsibility, his fidelity to duty, led him to disregard all thought of personal comfort and even of health in co-operating with Mr. Bristow in every possible way. He spent the long summer at his desk, without regard to hours, at a personal risk, which, when assumed by a soldier, brings with it credit and honor.

Just at this point a few words are necessary concerning the relation of Mr. Payne to the reform of the civil service. Some of those particularly devoted to this reform have been accustomed to stigmatize Mr. Payne as a "politician," as one managing the huge machinery of his great office to advance his party friends and to overthrow his foes. To such stigmatizers I desire to commend the consideration of the following document, lengthy, to be sure, and perhaps dry, but worthy of perusal:

*Report of Civil Service Commissioners Procter and Cooley to the President, June 24, 1903, respecting irregularities which occurred four years ago in the Washington post office and, to an extent, in the Post Office Department at Washington; together with detailed statement relating to certain irregularities and abuses which have been cured by the aid and co-operation of Postmaster-General Payne.*

June 24, 1903.

*The President.*

SIR: In response to your request, this commission makes re-

port respecting irregularities which occurred four years ago in the Washington post office and to an extent in the Post Office Department at Washington, as follows:

1. Whether any of these irregularities have occurred during your administration without a prompt stop being put to them.

Answer: No. See inclosed memorandum showing the prompt stoppage of these irregularities and the ways in which the competitive system has been bettered and extended in the postal service during your administration.

2. Whether the present postmaster at Washington is, in our judgment, responsible for the wrongdoing which occurred four years ago.

Answer: The commission does not regard him as responsible therefor, inasmuch as he was carrying out the orders of his superior officers.

3. Whether there are now in the Post Office Department or the post office at Washington any persons illegally employed or who should be removed from office.

Answer: No, with the exception of the person occupying the excepted position of finance clerk, who is performing alien duties.

The evil of assigning laborers to classified work is the growth of years. The registration regulations adopted and the determination to fill all vacancies in positions of laborers doing classified work by certification from the registers of eligibles will prevent this evil in the future.

The relations of the commission with the Post Office Department and with the postal service throughout the country are more satisfactory from a civil service standpoint than ever before, as shown by the detailed statement filed with this, relating to certain irregularities and abuses which have been cured by the aid and co-operation of Postmaster-General Payne.

We have the honor to be, your obedient servants,

JOHN R. PROCTER,  
ALFORD W. COOLEY,  
*Commissioners.*

Since Postmaster-General Payne has been in charge of the Post Office Department the following betterments have been made:

In October last the Department joined the commission in establishing a regulation requiring persons brought into the classified service by the establishment of free delivery at a post office to pass an examination before transfer to other post offices.

The Department has assisted the commission in perfecting the service records of post offices and adopted a system of reporting to

the commission directly from the Department all changes occurring in the status of employés in the post office service.

The appointment of laborers for assignment to classified work has ceased.

The Washington postmaster states that General Payne has never directed, or even suggested, the appointment of laborers in the Washington post office, as had formerly been done.

Shortly after General Payne became Postmaster-General he initiated the policy of continuing fourth class postmasters beyond the term of four years, and not removing them except for some reason other than political, thus making their terms of office in fact, as they are in law, independent of changes of Administration. This is one of the most important advances which the merit system has made in recent years.

The Post Office Department has made a much larger number of appointments through open competitive examinations under the civil service rules in the same space of time than ever before, and the proportion of reinstatements and transfers has decreased. From August, 1900, to December, 1901, immediately preceding General Payne's appointment, 7,362 appointments were made through competition in local post offices. During the like period of seventeen months immediately following, 9,854 such appointments were made, an increase of almost 2,500. So, also, in the Post Office Department during the same period preceding General Payne's appointment 50 appointments were made through competition, while in the like period following 119 were made.

The number of temporary appointments at post offices without examination has been reduced. In the seventeen months preceding his appointment 1,131 such appointments were made, as against 929 in the seventeen months following. Prior to May, 1902, the Department made temporary appointments outside the examinations in post offices in all cases in which there were not as many as three eligibles on the register. It was not until General Payne became Postmaster-General that the commission could get the Department to consent to a change in this practice, though repeated conferences were had with the Department with that end in view.

General Payne agreed with the commission that the rules should be changed, and since May 31, 1902, temporary appointments are made from the register. The commission found that it was difficult to secure eligibles at certain offices, notwithstanding due announcement had been made, and suggested to the Department the advisability of utilizing as far as possible eligibles on the departmental and railway-mail registers. In this the Department acquiesced. The result of this action on the part of the Department has been to materially lessen the number of temporary appointments.

Notwithstanding public announcement of examinations, it was difficult at some second-class post offices to secure enough eligibles to meet the needs of the service. It was thought that this was occasioned, in some measure, by failure on the part of the postmasters to give encouragement to applicants. Upon inviting the Department's attention to this matter, a circular was issued to postmasters directing that all proper means be taken to encourage persons to enter the examination, and that they should in no way dissuade applicants or use means to induce them to decline appointment after certification. This will insure a more general co-operation by postmasters in carrying out the rules and of lessening the number of temporary appointments.

The Department has also agreed that for the 900 smaller post offices certificates for appointment shall be issued directly by the commission, instead of by local secretaries of examining boards, to enable the commission to deal more directly with the Department and expedite the public business.

Although all the paragraphs of the foregoing report invite the reader's careful attention, two sentences therefrom I desire to cull out from their fine type and to comment upon briefly. They read:

Shortly after General Payne became Postmaster-General he initiated the policy of continuing fourth-class postmasters beyond the term of four years, and not removing them except for some reason other than political, i.e., making their terms of office in fact, as they are in law, independent of changes of Administration. This is one of the most important advances which the merit system has made in recent years.

This change was at first bitterly resented by those congressmen who feared that with the consequent loss of patronage would ensue the loss of their claim upon votes. But as the innovation worked and the law-makers experienced freedom from petty strifes of "outs" against the "ins," and found how much more time remained to them for the performance of their legitimate duties, they began gladly to accept the new betterment, and some had the grace frankly to thank the Postmaster-General for the change.

And yet this same Postmaster-General had formerly and frequently and openly been hailed as the head and front of spoils and the spoils system!

## CHAPTER XV

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**Investigation of the Post Office Department**

The subject of a minute inquiry into the affairs of this department and into the method of doing business therein was first broached in December, 1902, in conversations between the Postmaster-General and Mr. Eugene F. Loud, member of the House of Representatives from California and chairman of the House Committee on the post office and post-roads. As a result of these interviews which ran far into the succeeding month, it was agreed that the congressional appropriation for miscellaneous items in the post office department should be increased from the customary estimate of one thousand dollars, to the sum of six thousand dollars, thus providing ample funds for a wide and deep probe.

As the newspapers antagonistic to the Republican administration and to Mr. Payne, often asserted that he was hostile to the investigation and attempted to thwart it, it is proper to record here that he assisted at its very initiation. The following statement bearing upon this point, dated August 21, 1903, is from the pen of Mr. Jacob H. Bromwell, of Cincinnati, Ohio, who was a representative from December 3, 1894, to March 4, 1903, and who at the period under consideration was a member of the committee on the post office and post-roads:

I recall very distinctly that in the preparation of the last appropriation bill and before the sub-committee (of which I was a member) had commenced work upon it, in a private conversation with Mr.

Loud he informed me that he had discussed with the Postmaster-General the advisability of a more thorough investigation of the Post Office Department than had been possible in the usual course before, and that the Postmaster-General was very earnest in his desire that the item for special inspection, included in the "Miscellaneous Items" of the appropriation bill, should be increased to such an amount as would give him ample means for this purpose, and suggested that the item be increased from one thousand to six thousand dollars.

Mr. Loud stated that it was thought advisable that no public attention should be drawn to this proposed increase in the item, for the reason that it might serve as a warning and put upon their guard any employés or attachés of the Department, or others, who might have been guilty of irregularities, and that it was to the public interest that the increase should be put in the bill as quietly as possible, so as to attract little or no attention or comment.

It was understood that this investigation was to be very thorough and might be quite prolonged, reaching over a number of months, and that, while the appropriation would not itself become available until after July 1st, 1903, yet it would be necessary to have this increase in order to continue whatever work might be started in this line before that date.

In accordance with this suggestion of Mr. Loud, he and I put the item in the appropriation bill, as prepared by the sub-committee, with a mere statement that it was desired by the Department, but giving no explanation. The sub-committee had such confidence in Mr. Loud that without inquiry they endorsed this increase, it went into the bill, was reported to the committee, there passed without any comment, and was enacted into law.

I know positively that this request and the proposed investigation had been determined upon by the Postmaster-General long before there had been any newspaper or other comment upon possible irregularities in the Department.

The investigation having been determined upon, the details were frequently discussed by Mr. Payne with President Roosevelt. Two things were by the President, Mr. Payne and Mr. Loud deemed wise; that the investigation should be delayed until the adjournment of Congress, and that it should be conducted by Mr. Joseph L. Bristow, then Fourth Assistant Postmaster-General, who had in 1899 investigated the Cuban postal frauds.

Congress having adjourned March 4, 1903, Mr. Payne formulated his instructions to Mr. Bristow in a letter dated March 7, 1903. These instructions were accompanied by oral suggestions brought out in an interview between these two officials with President Roosevelt. In a second interview among these three it was emphatically understood that the inquiry was to proceed searchingly and vigorously under the direct charge of Mr. Bristow and that all of the inspectors necessary to a thorough pursuit were to be called to his aid.

Coincident with these acts was a demand by the Postmaster-General for the resignation of James N. Tyner, then Assistant Attorney-General for the Post Office Department. At this time Mr. Tyner was seventy-seven years of age and the Department had long been embarrassed by reason of his helpless condition, his failure of executive ability and his inaction in the efforts of the Department to ascertain the truth or falsity of certain insinuations and charges against the integrity of the Department. The resignation and its acceptance bear date March 8, 1903, to take effect at a somewhat later period.

Although the evils supposed to exist and afterwards brought to view long antedated Mr. Payne's tenure of office and belonged chiefly to the period of the war with Spain, yet the suspicions against members of the Department long in the service, high in authority, with supposedly honored names and unstained reputations, distressed Mr. Payne greatly and accentuated his long existing physical ailments, but never abated his determination that the searchlight should be clear, penetrating and unsparing.

The matter being under way, Mr. Payne, on the urgent advice of his physician, left Washington, March 10, 1903, for a trip of rehabilitation in the West Indies. On April 13 he returned to his post somewhat refreshed by his inaction and finding great need for his recuperated strength.

It appeared that, during Mr. Payne's absence, George W. Beavers, General Superintendent, Division of Salary and Allowance, afterwards indicted, had resigned his office March 31, 1903, and his resignation had been accepted by the acting Postmaster-General. It appeared also that an impression was industriously circulated that Mr. Payne was not in sympathy with the investigation. This impression was so pervading and so untrue that Mr. Payne felt moved to issue a brief public statement. It was prepared on April 13, 1903, the day of his return from his trip, and appeared the next day in the *Washington Post*. It was as follows:

During the months of January and February information and reports reached me, which I deemed it for the public interest to investigate, and I, personally, gathered such information and facts as would enable the proper officers of the Department to undertake a thorough investigation as to the truth or falsity of these reports. I directed Fourth Assistant Postmaster-General Bristow to take the proper steps to institute the necessary inquiry, using for that purpose the post office inspectors' division and such other methods as would thoroughly ascertain the truth or falsity of the charges or insinuations made, and he was instructed to proceed promptly and with vigor during my absence. Since my return this morning, I have not seen General Bristow, so that I am not advised of the progress made. The investigation will continue and if any wrong-doing is disclosed, the parties guilty of such wrong-doing will be summarily dealt with. If the system or method of doing business in the Department is faulty, the proper remedies will be applied without fear or favor. I inaugurated the investigation with the determination that it should be exhaustive. It is proper for me to add that I laid before the President the information which I had in my possession, and that he fully approved of the action proposed by me.

Meanwhile the investigation was proceeding and interested officials were becoming restive. In the afternoon of April 22, 1903—Mr. Tyner's official connection with the office not then ending—his wife and her sister, the mother of Harrison J. Barrett, assistant to Mr. Tyner, called at his office in the Department and in a surreptitious manner opened the safe and carried away a large bundle of papers and documents. Within a few moments Mr. Payne learned of the act and sent an officer forthwith to Mr. Tyner's residence to demand restitution. This, and inspection of the abstracted writings, were alike refused. Mr. Tyner was thereupon removed from office. His representatives, Mr. R. Ross Perry and Mr. Louis T. Miche-  
ner, on April 24, delivered a package of documents at the Department, which were carefully inspected by Mr. Payne and Mr. Bristow, with Mr. Tyner's attorneys. The writings personal to Mr. Tyner were returned; the remainder, with the facts concerning Mr. Tyner, were laid before the Grand Jury.

Upon the suggestion of Mr. Philander C. Knox, the Attorney-General, whom Mr. Payne consulted, Mr. Charles H. Robb, of Bellows Falls, Vermont, was appointed Mr. Tyner's successor, and proved an active, vigilant and capable official.

Public clamor concerning the exposures in the Post Office Department was intensified by charges persistently thrust forward against the integrity of the Washington city post office. These, popularly known as the Tulloch charges, emanated from Mr. Seymour W. Tulloch, who had been cashier in the Washington city post office and had been discharged when Mr. James P. Willett gave way to Mr. John A. Merritt, as postmaster, June 30, 1899.

These charges had generally been thought the offspring of a spleenetic desire for revenge, and had not been deemed worthy of full investigation by Mr. Payne's predecessor, Mr. Charles Emory Smith. They took the shape of definite assertions in an interview with Mr. Tulloch in the *Washington Post* of the morning of May 1, 1903. That same day upon perusing the interview Mr. Payne wrote to Mr. Bristow, who had been connected with the Post Office Department since April 1, 1897, reciting some of the assertions of Tulloch as to the city office in Washington, and inquiring as to their truth. Upon the same day Mr. Payne wrote to Mr. Merritt concerning the Tulloch charges, stating:

This is a direct reflection upon the integrity of your office, as well as upon the administration of the Post Office Department. As I intend to look into the case somewhat, I shall be glad to have you advise me what, if any, truth or lack of truth there is in the statement referred to. I enclose herewith a copy of the article referred to.

Upon May 2, Mr. Payne wrote to Mr. John R. Procter, president of the United States Civil Service Commission, in reference to the Tulloch statement:

Among other things, it is stated that the "civil service can always be gotten round when necessary, as seen in the appointment of cleaners, charwomen, laborers, financial clerks, auditors, mechanics, and other excepted persons, irrespective of the duties performed, or whether any duties are performed."

The reply of Mr. Bristow, under date of May 4, 1903, was of such a nature as to lead Mr. Payne, upon May 5, 1903, to address a brief note to Mr. Tulloch. This note contained this paragraph:

I shall be glad to give you any statement which you are willing to make in writing, accompanied by all papers, documents or otherwise corroborative of the charges which have appeared in the *Washington Post*.

Mr. Tulloch's reply, of May 7, 1903, being inconsequential, not to say impertinent, Mr. Payne on May 9 requested Mr. Bristow in writing to "call upon Mr. Tulloch at your earliest convenience and ask him to give you any statement which he is willing to make in writing, accompanied by any papers, documents or evidence confirmatory of the charges which he has made, to the end that they may be enquired into, and if it is found that any irregularities exist, that they may be corrected."

Mr. Bristow was successful and Mr. Tulloch submitted to the Postmaster-General, under date of May 15, 1903, fifty typewritten pages of matter, confessedly a statement of conditions, rather than details, and claiming that "a full and complete statement would require a commentary upon the pay rolls, vouchers and records of the Washington city post office for a period of upwards of two years or more previous to June 30, 1899." It was concerning this bulky document that Mr. Payne uttered an observation "hot air." The private secretary of Mr. Payne, Mr. Whitney, thus records the incident:

Mr. Payne's remark applied to Tulloch's charges against the Washington post office only, which were very voluminous, but in certain antagonistic newspapers it was made to apply to the entire Department investigation charges. I was present when the remark was made. The newspaper men had been advised of the Tulloch charges and had been awaiting with some curiosity the result of the Postmaster-General's perusal of them. He held the mass of typewritten pages in his hand while talking with the newspaper men and remarked that after having gone over the text he believed that about one-tenth was worthy of serious consideration, but that the other nine-tenths were simply "hot air." I have always believed he meant that Tulloch could have boiled down his text to about one-tenth and still have preferred all of his charges. It contained many unnecessarily lengthy discourses, and by its length naturally attracted more attention to Mr. Tulloch when printed in the *Washington Post*.

But it must not be supposed that Mr. Tulloch's statement was ignored. The opposite was the fact. Mr. Payne caused copies of it to be made and on May 19 and May 20 these were sent to Mr. Charles Emory Smith, former postmaster-general, to Mr. Robert J. Tracewell, comptroller of the United States treasury, to Mr. Merritt, to Mr. John W. Griggs, former attorney-general, to Mr. Frank A. Vanderlip, former assistant secretary of the treasury, to Mr. Perry S. Heath, former first assistant postmaster-general, and to Mr. Henry A. Castle, auditor for the post office department, requesting from these persons such statements or explanations as would throw light upon the subject matter. What disposition was made of the replies soon appears.

These chronological data have been purposely minute, that they might establish these two points: that Mr. Payne initiated and actively pushed the investigation in his department, and that the remark uttered by him, referred to above, had no relation to the frauds he was himself unearthing, but did relate either to the vagueness or to the prolixity of the Tulloch statement against the Washington city post office.

It remains now to note briefly the results of the investigations. As the exposures of frauds were from time to time reported to the Postmaster-General they were referred to the office of the Attorney-General for the requisite action. On June 24, 1903, Mr. Charles J. Bonaparte, of Baltimore, and Mr. Holmes Conrad, of Washington, were appointed by the President special assistants to the Attorney-General to aid him in the work of obtaining evidence, securing indictments and prosecuting all persons criminally connected with the department scandals

and frauds. To these same gentlemen, on July 17 and July 21, 1903, were referred the Tulloch charges against the Washington city post office, including the replies received from all the persons to whom copies of the Tulloch statement of May 15, 1903, had been sent or from those whose attention had been called to the Tulloch interview of May 1, 1903.

As to the Tulloch interview and statement Messrs. Bonaparte and Conrad reported to the Attorney-General. With regard to the "hot air" criticism of the Tulloch statement, made by Mr. Payne, the criticism was sustained by them, although their comment is framed in more laborious, and in strictly legal, although not in any more expressive, phraseology.

With regard to the facts Messrs. Bonaparte and Conrad found that deplorable and gravely discreditable abuses existed in the Washington post office and in the office of the First Assistant Postmaster-General during the years 1898, 1899 and 1900, that these abuses involved conduct on the part of various officials often illegal and perhaps criminal, and that the statute of limitations had run against these abuses before the Tulloch interview on May 1, 1903. Criticism was passed upon certain officials whose names are not pertinent to this biography and recommendation was made that an investigation be ordered, if not already ordered, of the post office at Washington, and at New York, and of the office of First Assistant Postmaster-General within the just preceding three years.

As to the immediate results of the investigation initiated by Mr. Payne into the frauds in the Post Office Department:

1. August W. Machen, of Ohio, General Superin-

tendent of the Free Delivery System, was removed for malfeasance and tried in two cases. In the first he was found guilty and sentenced to two years in the penitentiary and fined ten thousand dollars. In the second case he pleaded guilty and received two years additional. He is now in the penitentiary at Moundsville, West Virginia.

2. George W. Beavers, who resigned March 31, 1903, pleaded guilty to frauds upon the government and was sentenced to two years in the penitentiary at Moundsville.

3. James N. Tyner was tried May 2, 1904, for "conspiracy to defraud the United States, conspiracy to commit the offense of misconduct in office and conspiracy to commit the offense of bribery." He was acquitted. It was the opinion of the Postmaster-General that Mr. Tyner would have been convicted had not evidence been abstracted when the papers were removed as hereinbefore related. He died in 1904, aged seventy-eight years.

4. Harrison J. Barrett, assistant to Mr. Tyner, nephew of Mrs. Tyner, was tried at the same time with Mr. Tyner and acquitted. The particulars of the charges against Mr. Barrett are set out in *23 Appeal Cases, District of Columbia*, page 324.

5. Thomas W. McGregor, clerk in charge of contract supplies and accounts, free delivery service, was convicted and sentenced to two years in the Maryland penitentiary and to pay a fine of one thousand dollars.

6. Ellsworth Upton, order clerk, free delivery service, was sentenced to one year in the Baltimore jail and to pay a fine of one thousand dollars.

7. James W. Erwin, assistant superintendent free de-

livery service, San Francisco, was indicted, but was discharged by order of the California court, which refused to order his transfer to the District of Columbia, where an indictment against him is still pending.

In addition to these persons, all whose terms of service antedated Mr. Payne's official career in Washington, numerous other offenders of calibre great and small received short shrift in the shape of instant discharge. The Department investigation was practically closed on October 24, 1903, when the report of Mr. Bristow was submitted to the Postmaster-General. The moral effect of this investigation was tremendous and far reaching, but its lasting and salutary benefits Mr. Payne was not, alas! to live to enjoy.

After thoroughly reading and digesting this report Mr. Payne, on November 3, 1903, wrote to Mr. Bristow a commendatory letter, to which he received the following reply:

OFFICE OF FOURTH ASSISTANT POSTMASTER-GENERAL,  
WASHINGTON, D. C., November 4, 1903.

MY DEAR GENERAL PAYNE:

In response to your letter of November 3, commending the work of myself and the inspectors in connection with the recent investigation, I appreciate very much your kind expressions of approval. I desire to thank you personally for the sincere and earnest support which I received from you during the entire progress of the investigation. Without such support from the head of the Department the investigation could not have succeeded as it did.

Very truly yours,

J. L. BRISTOW,

*Fourth Assistant Postmaster-General.*

The Postmaster-General.

It becomes this narrative now to make some references from other pens, bearing directly or indirectly upon the conduct of the investigation. With regard to its initia-

tion there follows the important part of a letter written May 5, 1903, to the *Washington Post* by Congressman Loud:

On yesterday I was interviewed by the representatives of several of the newspapers of the country, in which interview I took occasion to make a statement regarding the investigation now going on in the Post Office Department, which I thought was but an act of justice to the Department. The statement was considered particularly important by me by reason of the fact that there were but two men, besides myself, in the country who could have known the absolute facts regarding the situation. The statements made by me are in substance as follows:

Many newspapers have repeatedly stated that the present investigation was not instituted until after certain pressure had been brought to bear upon the Department. Early in the winter—it must have been in December—the present Postmaster-General (Mr. Payne) and myself had many consultations regarding the postal service, and as a result of these interviews it was determined, as soon as possible after the adjournment of Congress, that an investigation should be made of the service. Mr. Payne was in thorough accord with me regarding the advisability of this investigation. I recommended that such investigation should not commence until after Congress adjourned. There are many reasons, which it is unnecessary here to enumerate, why such a time should have been selected. The proof that this investigation was determined upon by the Department is to be found in the miscellaneous items reported in the post office appropriation bill in January. It heretofore had been one thousand dollars. That item was increased to six thousand dollars for the express purpose of using, if necessary, means outside of the Post Office Department itself in carrying on the investigation. The reasons for the increase in this appropriation were known only to the Postmaster-General, Mr. Bromwell, of Ohio, and myself.

The *Washington Post*, which so often had commented upon the investigation during its progress, in an impartial yet sympathetic sketch of Mr. Payne, printed, upon the morning after his death, the following:

Mr. Payne had been unwilling to believe that his department could harbor such irregularities as had been charged, but becoming convinced of the fact he proceeded to oust the wrong-doers, and worked diligently to place the affairs of the Department on an honest

and business-like basis. All this imposed onerous duties upon Mr. Payne—duties that undoubtedly overtaxed his strength. He would have resigned over a year ago, but for the criticism that centered upon him and the probability that his critics would have accused him of running under fire.

It is doubtful if the general public has ever had a correct estimate of Mr. Payne in relation to the postal investigation. When he entered the Cabinet, only a few months after Mr. Roosevelt became President, the country regarded him solely as a shrewd politician, possibly of a record that would not bear the closest scrutiny. There was no prejudice against his personal character. He had been before the country simply in the role of party manager and intimately associated with the wheelhorses of the Republican National Committee. Some of President Roosevelt's warmest admirers confessed surprise that he should bring a trained politician of Mr. Payne's stripe into his official family. But Mr. Payne rapidly conquered whatever personal prejudice existed against him among those with whom he came in contact.

As soon as the postal scandal acquired publicity the press in the States and public opinion were quick to assume that Mr. Payne was resisting investigation and that he would strive with all his might to keep the lid on. Certain of his utterances unfortunately gave color to such a view. His characterization of grave charges preferred by a former official as "hot air" tenaciously clung to him. The words were spoken during a meeting of newspaper men in his office, and iterated and reiterated everywhere in the country. As a matter of fact the Postmaster-General assumed a judicial attitude when the charges of scandal were first pressed against his subordinates. He refused, properly, as most people believed, to credit those charges till specific proof had been adduced. As somewhat similar accusations had been made under the administration of his predecessor, and ignored, there was a general impatience outside of the Department at anything save vigorous prosecution.

If Mr. Payne was thoroughly judicial in his attitude at the beginning of the investigation, which has made his term as Postmaster-General the most notable of any for many years, he swerved quite as strongly towards vigorous prosecution as the disclosures proceeded. The proof of Machen's operation in the free delivery bureau shocked him. Thereafter he did not hesitate to discharge the oldest and hitherto the most trusted employés on evidence of grafting. However, the criticism of his administration from influential quarters continued. Much of this criticism was undoubtedly undeserved. It was frequently rumored that he would be compelled to retire from the Cabinet. These rumors are known to have had no founda-

tion, for Mr. Payne enjoyed the confidence and good-will of the President.

Mr. Payne was sensitive to these attacks, notwithstanding the belief that he was a hardened politician who could give and take hard blows. This sensitiveness was enhanced because it had been his ambition for many years to become a Cabinet officer. Being a man of considerable business training he hoped to round out his active career with a highly creditable record in extending and improving the efficiency of that great business department.

Mr. Payne did enjoy "the confidence and good will of the President." Before the investigations ended the following communication emanated from the White House:

WHITE HOUSE,

WASHINGTON, Feb. 27, 1904.

MY DEAR MR. POSTMASTER-GENERAL:

While all the work of the Post Office Department and the Department of Justice in connection with the postal frauds is not yet over, there is already to the credit of the Departments, and therefore primarily to your credit, such an amount of substantive achievement, that I take this opportunity to congratulate you personally upon it. It is impossible to expect that corruption will not occasionally occur in any government; the vital point is the energy, the fearlessness, and the efficiency with which such corruption is cut out and the corruptionists punished. The success of the prosecutions in this case as compared with previous experiences in prosecuting government officials who have been guilty of malfeasance or misfeasance is as noteworthy as it is gratifying, and must be a source of encouragement to all men who believe in decency and honesty in public life. What has been accomplished by you, by those who have worked under you in your Department, and by the Department of Justice, redounds to the credit of our whole people and is a signal triumph for the cause of popular government. If corruption goes unpunished in popular government, then government by the people will ultimately fail; and they are the best friends of the people who make it evident that whoever in public office, or in connection with public office, sins against the fundamental laws of civic and social well-doing, will be punished with unsparing vigor.

Sincerely yours,

THEODORE ROOSEVELT.

HON. H. C. PAYNE,  
Postmaster-General.

Senator Spooner in his speech of April 9, 1904, to which reference was made at the close of the last chapter, comments thus upon the investigation:

Neither carping nor innuendo, from whatever source or wherever uttered, can blind the people to the searching and vigorous character of that investigation, and the unwavering determination of the President, the Postmaster-General, and the other officials charged with the duty, that it should be exhaustive, and should take no note of party affiliations, political or personal friendship. The people know that as it went on it involved not only officials in the Departments, but private citizens of different degrees of prominence, and that no consideration of friendship or influence was allowed to modify its thoroughness and energy, exposure, and prosecution.

Mr. William H. Moody, who was successively Secretary of the Navy and Attorney-General while Mr. Payne was in the Cabinet, while mentioning only generally the troubles in the latter's department, writes thus of his associate:

When I entered the Cabinet of President Roosevelt on May 1, 1902, Mr. Payne was Postmaster-General, and continued in that office until the day of his death. My acquaintance with him began with our common service and ripened into sincere friendship. It was impossible for any one who came in contact with him to resist the attraction of his gentle and lovable nature. Though he was an earnest partisan, he had nothing but kind words and kind feelings for those who differed from him in their political beliefs. He was a loyal friend and trusted implicitly the loyalty of those who professed to be his friends. Nothing was more pathetic than his sorrow when he found that in some cases that trust had been misplaced. It was hard for him to believe that the confidence which he so freely bestowed had been abused. Yet when that knowledge was forced upon him, he was unrelenting in his pursuit of the wrong-doers. He was conscientious to the last degree in the performance of his official duties and spared no effort to perform them faithfully—often at the expense of his health. At one time he made a journey with me through the West Indies and wherever we found any work which was being conducted under the direction of his Department, he examined it assiduously, and did all within his power to see that the work was properly performed. In his death the public service suffered a severe loss, and his friends an irretrievable calamity. I shall always treasure the memory of my friendship with him, and never cease to grieve for his untimely death.

Mr. Charles H. Robb, then Assistant Attorney-General of the United States, and now Associate Justice of the Court of Appeals, District of Columbia, gives his impressions of his former chief in the following terms.

Soon after the commencement of the postal investigation early in 1903, the Assistant Attorney-General for the Post Office Department was summarily removed by General Payne, and I was appointed to the office upon the understanding that the appointment should be temporary. It was then that I first met Mr. Payne.

His great sincerity, ready sympathy, uniform kindness, integrity and fidelity to duty, soon completely won my heart and impelled me to abandon my original purpose of temporarily filling the office, and to decide to remain therein so long as I could be of any service to him.

Our relations were necessarily of an intimate and confidential nature, and my opportunities for judging the man were exceptional. He was a warm and steadfast friend whom it deeply hurt to discover that those upon whom he had relied had been unfaithful. This trait of character, added to his great love of justice and fair play, created the impression in the minds of some that he was not a sincere investigator of his Department. In this they did Mr. Payne great injustice. To my certain knowledge he shielded no one, and hesitated not an instant to remove from the service and do all in his power to prosecute, every person whose guilt was demonstrated by evidence. He would act in such cases summarily and fearlessly, impelled by a high sense of duty. It was always a great shock to him, however, possessed as he was of such a highly sensitive and sympathetic temperament, to be compelled in the performance of his stern duty, to measure out justice to those with whom he had been associated, and as to whose integrity he had theretofore entertained no doubt. The cares of his office during such a trying period bore heavily upon him, and he ultimately became a martyr to duty.

He was a man of marked business ability, accustomed to, and capable of, directing large enterprises. As an official he quickly grasped the details of every branch of his Department, and was its responsible head. He was in no way accountable for the conditions out of which grew the practices which resulted in the investigation, but he did all in his power to better those conditions and to punish the persons responsible therefor.

It has never been my lot to know a more kindly or more lovable character. His heart was full of love for his fellow-man and malice had no place therein.

Senator Nathan B. Scott, of West Virginia, makes these statements as to the relation of Mr. Payne with the Post Office Department:

His impress on the political affairs of Wisconsin was great and always for better and cleaner politics. He was a man of great ability to plan and to map out on certain lines work that should be done in order to secure success, and through all the different campaigns up to the last one he was the one man, after the chairman, who was relied upon most for advice and counsel.

His induction into the Post Office Department at the time he was made Postmaster-General was unfortunate. He was held responsible in the minds of the masses for acts of commission and omission that he had no control over and which were matters of record before he took office. Anyone knowing him as I did would know he would not be a party to or countenance anything that was not absolutely straightforward and honorable. That he had those associated with him in the Post Office Department who should have been his loyal support and counselors who were not sincere and who did much to bring about conditions that they hoped would reflect upon him, I know he felt, and his friends knew and resented. I have no hesitancy in saying that I believe the treachery of those who should have upheld him in every way hastened his death, because to a sensitive nature like his, treachery of that kind sank deep. Well do I remember on one occasion when conversing with him in regard to those who were giving out information and trying in every way they could to besmirch his good name, that he referred to the fact to me with tears coursing down his cheeks and said, "Never mind, Scottie, the truth will prevail and my good name will be vindicated long after those who are trying to traduce me now have been forgotten."

Such vindication may this biography assist to accomplish!

Mr. Bristow,\* by reason of reporting frequently to his chief the progress of his work, was likewise brought into intimate relations with him and saw him on official busi-

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\*A sketch of his life is in *Review of Reviews*, January, 1904, Volume XXIX, page 45. He is now the editor of the Salina, Kansas, *Journal*.

ness daily. He has recorded his estimate of Mr. Payne in a communication from which these extracts are made:

In the discharge of his official duties Mr. Payne was cautious in arriving at conclusions upon the questions submitted to him, nor was he ever hasty in forming his opinions as to the character and reliability of men. He always waited and apparently studied a new acquaintance well before he was willing to express an opinion about him.

Mr. Payne had a very interesting personality. His mind was clear and analytical. He could see through the sophistry of an argument with remarkable clearness, and arrived at just and proper conclusions in regard to most intricate matters with unusual precision. I have never been associated with a man in any capacity in life who had a keener and more analytical mind than Mr. Payne, but it was not always easy for him to act in accordance with his judgment. He had a very sensitive nature and a kindly and affectionate disposition.

While slow to establish a friendship, he was even slower to break it when once established. When he gave a man his confidence he gave it unreservedly, and when he withdrew that confidence he did it completely. I have thought that at times he was too severe in his judgment of men in whom he had lost confidence. He had a most admirable trait of character in being thoroughly loyal to a subordinate who was pursuing the line of duty. During the most trying period of the postal investigation when he was so mercilessly criticised for endeavoring to "smother the truth" he was in fact giving me unqualified support. During the early period of the investigation I was very careful not to submit anything to him for his consideration until I had thoroughly examined every phase of it and had secured the most reliable evidence as to the truth or falsity of the matter involved. I pursued this policy for two reasons. First, because his health was poor and I did not want to burden him with unnecessary details; and second, because evidence as to corruption in the Department was so disagreeable to him that I did not want to disturb his mind with what might be simply suspicious. I, therefore, only submitted to him facts when they were properly authenticated. I will never forget the day that I unfolded to him the case against Machen in regard to the Groff fasteners. He was astonished at the boldness and ingenuity of the crime, and stated, with some excitement, that if those facts were properly sustained Machen should be arrested before night. I told him that there was no doubt as to the truth of the charge, that it was thoroughly sustained by the evidence, and if it met with his approval I would request the district attorney to have warrants prepared for Machen's arrest immediately.

He directed that this be done, and within an hour and a half from that time Machen was in the custody of the United States Marshal.

I had heard a great deal of Mr. Payne as a politician before I made his personal acquaintance. He was said to be a very sharp, shrewd party manager. I had no opportunity to study this phase of his character for he never injected party politics into his administration of the Post Office Department. There was nothing in his official conduct that savored of machine party politics. He was perfectly willing, however, to be styled a politician. The term to him was not offensive. He frequently said to me, "They call me a machine politician, but I draw the line on a good many things that these reformers do."

Mr. Payne's kindness of heart and his absolute loyalty to the subordinates whom he trusted made him a delightful character to be associated with. He was a man of great industry, and frequently worked far beyond his physical strength in his efforts to keep up with the work of the Department.

Mr. Payne, by temperament, would have been wholly unfit to have had immediate personal charge of the postal investigation, but the officers who did the detail work of that investigation owe him a debt of gratitude which they cannot express for the unfaltering support which he gave them from the beginning to the end, and for this support he deserves the praise of the country which was unfortunately withheld from him during his lifetime. My personal attachment to him as the years went by became very strong, and I have never been associated with any man whose death gave me greater pain and whose memory I cherish with greater affection.

CHAPTER XVI

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*“The Charges Concerning Members”*

Upon a man so sensitive in disposition as was Mr. Payne, and far from robust in health, the investigation as it developed, with its imposition of disagreeable duties, could not fail to produce extreme bodily and mental depression. These distressing feelings were sensibly aggravated by a train of events which followed the filing of the Bristow report on October 24, 1903. Remarks that this report might or did contain matters of serious import affecting members of Congress spread about. On December 8, 1903, the House authorized its Committee on the Post Office and Post Roads to request from the Postmaster-General “all the papers connected with the recent investigation of his department.” On December 15, 1903, the Postmaster-General, by direction of the President, transmitted to the said Committee the said papers, including therewith the papers relating to the investigation of the so-called Tulloch charges, but omitting certain confidential exhibits which, pending prosecution of indicted officials, it was inexpedient to make public. On February 5, 1904, the Senate, by resolution, requested the same papers, and there was like transmittal to that body on the ensuing day.

Certain statements in the Bristow report, although impersonal so far as members of Congress were con-

cerned, were regarded by some representatives as reflections upon the integrity of the membership of the House and upon individual members whose names had not been mentioned. These statements grouped themselves mainly about two alleged charges: firstly, that in defiance of statutory inhibition, George W. Beavers, had, in his official capacity, made contracts of lease, directly or indirectly, with members of Congress, who were owners of eligible buildings, for the rental (in some cases for the re-rental at higher rates) of such buildings, for postal purposes; secondly, that, upon the request of congressmen, increased allowances for clerk hire (technically known as allowances for separating purposes) in certain third and fourth class post offices within the constituencies of such congressmen, had been granted by said Beavers, which said allowances, later, upon investigation, had been either discontinued or reduced.

Thereupon Mr. James Hay, a member of the House from Virginia, introduced a resolution directing the appointment of a special committee of representatives to investigate the so-called charges contained in the Bristow report. This resolution, with its preambles, was referred for consideration to the Committee on the Post Office and Post-roads.

Meanwhile, on January 11, 1904, while this last named committee was examining certain officials of the Post Office Department, preliminary to the preparation and presentation of the customary annual budget of appropriations, it developed from statements by Mr. Charles M. Waters, General Superintendent, Division of Salary and Allowance, that there existed in the Department a list of some nine hundred post offices where allowances had been

made, as above stated, for separating purposes, which allowances had later been reduced or discontinued.

Thereupon Mr. Jesse Overstreet, of Indiana, chairman of the said committee, informed the Postmaster-General by telephone of the existence of said list, stated that its use would be of service to the committee, and asked if any reason existed why the committee should not be furnished with it. Mr. Payne, having in mind the pendency before the committee of an amendment to the statutes legalizing such allowances in the discretion of the Postmaster-General, and believing that the list might therefore be useful to the committee, informed the chairman that he saw no reason why the list should not be copied for the committee's use, but he suggested a formal request. Accordingly, a letter (which hereinafter will be designated as Letter A) was sent to the Postmaster-General, of which the following is a copy:

COMMITTEE ON THE POST OFFICE AND POST ROADS,  
HOUSE OF REPRESENTATIVES U. S.

WASHINGTON, D. C., January 22, 1904.

*Hon. Henry C. Payne,  
Postmaster-General,  
Washington, D. C.*

SIR:

I have the honor to request that there be furnished direct to this Committee, by the Fourth Assistant Postmaster-General, all information which can be communicated by such official with reference to allowances for clerk hire in offices where those allowances have been discontinued, together with all information relating to leases which have been made to Members of Congress and whether discontinued and renewed at a higher rate.

I would thank you to have this information in my hands by 10 o'clock Monday morning, January 25th.

Very respectfully,

JESSE OVERSTREET,  
Chairman.

This letter is stamped, "P. O. Department, Received Jan. 23, 1904, Office of the Postmaster-General."

Upon this same January 23, which was Saturday, the same committee, apparently desiring to amplify its request and to obtain the fullest information, wrote the following (Letter B):

COMMITTEE ON THE POST OFFICE AND POST ROADS,  
HOUSE OF REPRESENTATIVES U. S.  
WASHINGTON, D. C., January 23, 1904.

*Hon. Henry C. Payne,  
Postmaster-General,  
Washington, D. C.*

SIR:

During the hearing before this committee recently, the statement was made by Mr. Waters that from about 900 offices allowances for separating purposes had been taken away because the offices were not entitled to them. From a conversation had with Mr. Waters over the telephone it was understood that a statement had been made to the Fourth Assistant Postmaster-General in regard to these disallowances, and that a copy of this statement could probably be furnished without much difficulty.

I would be pleased to have you furnish me, for use of the committee, a copy of the statement referred to, at the earliest opportunity. The committee desires to know what offices have been affected by these disallowances, what the allowance was before any reduction or discontinuance was made, and what it is now; and also the compensation allowed postmasters at each of the offices in question. It may be that all of this information is not easily obtainable without considerable delay, and if so, please advise me immediately. But in any event, the committee desires to have such information as is now accessible as soon as possible.

Very respectfully,

JESSE OVERSTREET,  
Chairman.

Upon the receipt of this latter letter, upon Monday, January 25, the Postmaster-General sent for the list, which would furnish the information desired. Upon examining it—for this was the first time Mr. Payne had seen the list—he observed therein, opposite the names of

post offices in a column headed "Recommended by, and Remarks," the names of senators, representatives and other prominent men. After conference with the First Assistant Postmaster-General, Mr. Payne directed the copying of the list, omitting such names, their transmission not being, in his opinion, necessary for the committee's purposes. Pending the prompt preparation of the copy, Mr. Payne dispatched the following message (Letter C):

POST OFFICE DEPARTMENT,  
WASHINGTON, D. C., January 25, 1904.

*Hon. Jesse Overstreet,*

*Chairman Committee on the Post Office and Post Roads,  
House of Representatives.*

Expect to be able to send you this afternoon statement of allowances for separating purposes which have been taken away from about 900 offices.

H. C. PAYNE,  
Postmaster-General.

Later on the same Monday, the list, omitting the said names, was transmitted to the committee, the following letter (Letter D) accompanying it:

OFFICE OF THE POSTMASTER-GENERAL,  
WASHINGTON, D. C., January 25, 1904.

*Hon. Jesse Overstreet,*

*Chairman Committee on the Post Office and Post Roads,*

SIR:

Replying to your communication of the 23d instant, I beg to enclose herewith statement showing the reduction in allowances for clerk hire in post offices of the third and fourth classes since April 1, 1903. This shows the former allowances amounted to \$162,966. The present allowances amount to \$63,600.

Respectfully yours,  
H. C. PAYNE,  
Postmaster-General.

P. S.—If it is desired we will ascertain and advise you the salary or compensation of the postmasters at the offices in question.

H. C. P.

The receipt of this letter, with the enclosed list, called therein a "Statement", was never formally acknowledged.

Upon the same day Mr. Bristow sent to the committee two letters (Letters E, F) particularizing three instances where post offices were or had been occupying premises leased from members of the House, specifying the Postal Rules and Regulations relating to allowances for clerk hire, and adding that he could furnish "an incomplete list of the cases relating to both clerk hire and leases in a few days, but it will take some time to compile a complete list."

Thereupon the chairman of the Committee on the Post Office and Post-roads wrote to the Postmaster-General as follows (Letter G) :

COMMITTEE ON THE POST OFFICE AND POST ROADS,  
HOUSE OF REPRESENTATIVES U. S.  
WASHINGTON, D. C., January 25, 1904.

*Hon. Henry C. Payne,  
Postmaster-General,  
Washington, D. C.*

SIR:

I am in receipt of a letter of this date from Hon. J. L. Bristow, Fourth Assistant Postmaster-General, replying to my request made to you in my letter of January 22d, in which he informs me that he has been unable to fully comply with my request, but can, if granted more time, send to the committee a complete list of cases relating to both clerk hire and leases referred to.

In view of the references of the Fourth Assistant Postmaster-General in his report to you under date of October 24th, 1903, to the action of Members of Congress in recommending increase of clerk hire, and cancellation of leases and their renewal at a higher rate, I request that this Committee be furnished, at the earliest practicable date, a complete list of all cases referred to in said report relating to allowances for clerk hire in offices where those allowances have subsequently been discontinued, and also of all cases where leases of post office premises have been cancelled and renewed at a higher rate, together with a statement in detail giving a full explanation of the facts connected with each case.

Very respectfully,

JESSE OVERSTREET,  
Chairman.

In compliance with the request thus precisely made and in compliance with an intimation, either by telephone or at a personal interview, by the chairman of the committee to Mr. Payne, that the list, with names omitted, sent as an enclosure with Letter D, was not satisfactory, Mr. Payne directed that the said list be recopied and amended so as to include the names found in the column "Recommended by, and Remarks."

But as Mr. Payne did not esteem it just or right thus to amend the list without accompanying it with explanatory matter showing the exact relation of each congressman with the post office with which his name was associated in the matter of either clerk hire, allowances or leases, he had an interview with the chairman of the committee at which it was agreed that the circumstances surrounding each case as shown by the Department files should be briefly set forth in connection with the list. This additional and amendatory matter was a work of great magnitude, and by the close of Saturday, January 30, was not half completed. On Sunday, January 31, another interview occurred between the chairman of the committee and Mr. Payne, at the latter's residence, at which Mr. Payne suggested reconsideration of the determination to include in the list the names of the congressmen. At the same time Mr. Payne exhibited to Mr. Overstreet for his approval the work already completed with these names included. Mr. Overstreet expressed himself as entirely satisfied with the work in form and substance as it was then exhibited to him.

Upon the next day, February 1, Mr. Payne reporting progress to the chairman, wrote him as follows (Letter H):

OFFICE OF THE POSTMASTER-GENERAL,  
WASHINGTON, D. C., February 1, 1904.

*Hon. Jesse Overstreet,  
Chairman Committee on the Post Office and Post Roads,  
House of Representatives.*

SIR:

Referring to your communication of the 23d and 25th ultimo, respectively, requesting information concerning allowances for clerk hire at post offices of the third and fourth classes, I beg to advise you that I have the proper officers of the Department preparing the data desired. There is no reason to doubt but that I will be able to place the information in your hands before the close of the present week.

Very respectfully,  
H. C. PAYNE,  
Postmaster-General.

By February 4th the list, with the names of congressmen included and with the explanatory matter as above described, was completed. It will herein, for brevity, be designated the Amended List. It was transmitted on February 5th to the committee with a letter (Letter I), not necessary to be copied, but stating that the matter furnished is as requested by Mr. Overstreet's "communications of January 23 and 25" (Letters B and G). Upon February 16 and March 2, certain additional information regarding leases and allowances for rent, fuel and light was also transmitted.

This Amended List, stated by the clerk of the Committee on the Post Office and Post-roads, to be a "confidential report," and characterized by the New York *Tribune* of February 29, 1904, as "a white elephant," was thereupon prepared for the Public Printer under the direction of the committee. Its caption, as thus prepared, was:

RESOLUTION RELATIVE TO INVESTIGATION OF CHARGES MADE IN THE REPORT OF THE FOURTH ASSISTANT POSTMASTER-GENERAL ON THE INVESTIGATION

OF THE POST OFFICE DEPARTMENT CONCERNING MEMBERS OF CONGRESS.

This caption was followed by a recital of the Hay resolution with its preambles, by a short argument tending to show that the material contained in the Amended List rendered unnecessary the investigation contemplated by the Hay resolution, and by a recommendation that the Hay resolution therefore lie on the table. After this preface, came introductory matter, consisting of the letters hereinbefore described as Letters A, G, E, F, H and I. Then followed the Amended List.

As to this introductory matter, comprising these six letters, some observations must be made:

1. Letter A, from the committee to the Postmaster-General, which is plainly dated in the original January 22, 1904, appears incorrectly under the date January 23, 1904. This is the innocent first letter which requested but little information.

2. Letter B, from the committee to the Postmaster-General, dated January 23, 1904, is entirely omitted and is not even alluded to. This was an extremely unfortunate omission so far as affecting Mr. Payne, for Letter B requested the fullest and widest information, and its exclusion and the printing of the innocent Letter A under the date of January 23, unwarrantably placed Mr. Payne in the attitude of volunteering unpalatable information, of impertinently tendering what he had never been requested to send.

3. Letter D, from Mr. Payne to the committee, transmitting the original List, with names of congressmen eliminated, was also omitted.

4. In the third line of Letter G, from the committee to Mr. Payne, the date January 23 is given instead of January 22, as the date of Letter A—thus carrying on the change noted at observation 1 and accentuating the omission of Letter B.

5. Letters H and I, from Mr. Payne to the committee, which disclose that the material forwarded was prepared and forwarded in accordance with the committee's request in its letters of "January 23 and 25," are made, by the incorrect dating of Letter A and the omission of Letter B, to refer to Letters A and G, instead of B and G, —still perpetuating the mild Letter A, still placing Mr. Payne in a false attitude.

Let us return from these observations to the document which occasioned them. With all its alterations and omissions it was delivered to the Public Printer at about one o'clock in the afternoon of Saturday, March 5,—a bulky document which, when printed, occupied two hundred and eighteen octavo pages. Nevertheless, it was ready for presentation to the House on Monday, March 7, and a copy of the pamphlet lay upon each member's desk. But to the chagrin and mortification of all, the head-line, *Charges Concerning Members of Congress*, ran along all the two hundred and eighteen pages!

To one not interested the situation must have been comical enough, but in the House there was great indignation, much of which vented itself upon Mr. Payne. To be sure, he was not responsible for the odious head-line—that had originated in the Government Printing Office, and had justification for its existence in the committee's own caption. But the document appearing under these obnoxious head-lines emanated from Mr. Payne's depart-

ment, and the omission of letters and alterations of dates placed upon him and it the burden of having volunteered information which, as a matter of fact, had actually been dragged out of Mr. Payne. It matters not whether or no the committee blundered in demanding the Amended List; it matters not whether its errors and omissions are ascribable to the culpable carelessness of the committee's clerk, or to his malice against Mr. Bristow, growing out of the unfavorable light in which a portion of the latter's report exhibited him; it matters not whether the explanatory matter appended to the Amended List disclosed official turpitude upon the part of congressmen or absolute immaculateness—the effect of all the distressing business was the pouring out of vials of undeserved vituperation upon an innocent man's head.

The matter came to a climax in the House on March 11, 1904. A resolution was pending for the appointment of a special committee of seven members, to be known as Select Committee on Relations of Members with the Post Office Department, and to it was to be referred the Hay resolution, the Amended List and the opprobrious headlines. The debate waxed warm and much injured innocence was aired. With some distinguished exceptions Democrats and Republicans, congressmen from the South and congressmen from the North, even from Wisconsin, had alike chorused in vehement denunciation of Mr. Payne and Mr. Bristow.

All this time the chief object of this bitter clamor was seriously ill, and was confined to his bed for almost a month, beginning March 8. On the above mentioned March 11, while the House was in the midst of the excit-

ing debate just referred to, Mr. Payne's Secretary, Mr. Whitney, had discovered the errors in the report of the Committee on the Post Office and Post-roads, particularly the omission of the comprehensive Letter B. Hastening to Mr. Payne's bedside he explained the situation and was directed to lay the matter before Representative Henry A. Cooper and Representative Joseph W. Babcock, both of Wisconsin. Finding the former in the room of his committee (Insular Affairs) Mr. Whitney exhibited to him a copy of the omitted Letter B. Realizing its bearing Mr. Cooper hurried to the floor of the House that he might seek recognition and read the letter. Mr. Whitney then found Mr. Babcock, made explanation of the affair and handed him another copy of the letter. Mr. Babcock quickly comprehending the situation, broke away from Mr. Whitney, exclaiming that he must see Mr. Overstreet and remind him of the letter. Before, however, Mr. Cooper could catch the Speaker's eye, Mr. Overstreet arose in his place and thus addressed the House:

Before yielding to the next gentleman I wish to state that in the publication of the report brought in by the Committee on the Post Office and Post Roads, there was inadvertently omitted a letter which I had addressed to the Postmaster-General, under date of January 23, which I ask the Clerk to read. It relates to the same subject-matter and should accompany the report.

The Clerk then read Letter B.

But even this reading did not entirely check the tirade of abuse, although Mr. Overstreet by presenting the letter had made some, if tardy and incomplete, reparation. Nevertheless, one cannot but express the wish that earlier in this unhappy debate (which was in part under his control) and while congressmen all about were scoring and

grilling the Postmaster-General and his department, Mr. Overstreet had remembered and produced this important letter.

The resolution appointing the select committee was adopted at the close of the eventful session of March 11, and Mr. Samuel W. McCall, of Massachusetts, was its chairman. In gathering material for this report the committee visited the bedside of Mr. Payne on April 2, 1904. By the report of this committee, as printed, the origin of the List, which caused all the trouble, was traced and the fact established that Mr. Payne had no knowledge of its existence until its publicity was requested. It also appeared that Mr. Payne had been unwilling to publish this List with its accompaniment of public names, and that he yielded only at the solicitation of the Committee on the Post Office and Post-roads; that prior to the completion of the Amended List it had been submitted in its unfinished state to the chairman of this committee, Mr. Overstreet, who had expressed himself satisfied with its form and substance, and that during the preparation of this precious document it had been carefully shielded from all eyes, except those working upon it. The Special Committee's report contained also the letters (Letters B, C and D) which had been omitted from the report of the Committee on the Post Office and Post-roads and corrected the dates in Letters A and G. The genesis of the odious head-line was also traced and the fact developed that, although it had originated in the Printing Office, copies of the report with the objectionable head-lines thick upon them had been in the hands of the Clerk of the Committee on the Post Office and Post-roads thirty hours before any objection had been made to them or change requested on account of their phraseology.

Thus it will be seen that the report of the Select Committee by bringing out the real facts, and all the facts, had exonerated Mr. Payne and his department from all blame, and had placed whatever culpability there was in making the disclosure contained in the amended list, and whatever disgrace followed on account of the exposure, primarily upon the Committee on the Post Office and Post-roads of the House of Representatives.

On April 9, 1904, and prior to the publication of the report of the Select Committee, the post office appropriation bill for the fiscal year ending June 30, 1905, was pending in the Senate. In the course of the debate which took place Senator Spooner took occasion to defend the administration of the Post Office Department by Mr. Payne, and to vindicate him from the aspersions which had been cast upon him. The speech of Senator Spooner aroused widespread interest and was of salutary effect. Quotations from it have already been made in this biography.\*

Notwithstanding exoneration, and notwithstanding it was evident that continued criticism from Democratic sources was intended merely to influence votes at the impending presidential election, Mr. Payne felt keenly the injustice to which he had been subjected, and which had added to the deepening shadows gathering about his life.

Upon arising from his sick bed on April 10, 1904, Mr. Payne took a sea voyage on the United States revenue cutter *Onondaga*, which had been ordered to Galveston, Texas. This rest afforded him temporary

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\*Pages 119, 137.

benefit. Returning he left the vessel at Charleston, South Carolina, fearing the storms and roughness off Cape Hatteras.

Captain Worth G. Ross, of the *Onondaga*, with whom this, as well as several other ocean trips had been taken, has given a sketch of Mr. Payne in the following language:

The death of General Payne was to me in the nature of a great personal loss. There was no one in eminent public position whom I knew so well, for I had had the advantages of close and friendly relations with him under exceptional circumstances. To sail with a man is usually to form a very clear estimate of his character, as changing and unlooked for conditions on shipboard are sure to bring out his true points. The cruises I made with General Payne, who was a guest of my ship, I recall with singular pleasure, and account them as among the most interesting of my experience. Notwithstanding his poor health at the time, these trips were not arranged for his convenience, but were availed of by him during the regular service of the vessel, and one of them at least was made at a season of the year when disquieting weather was the rule rather than otherwise. He was an ardent lover of the sea in all its phases, and under its influence he seemed at once to gain in strength and spirits. Appreciative always of its gentler moods, he was ever impressed with the grandeur of the storm. I saw him in as joyous a temper as any, I think, on one occasion when we were rounding the famed Hatteras with the white-crested waves sweeping over the bows of the ship. He derived much pleasure by being out on deck, at which times I was often his companion. The far-reaching expanse of ocean, still and listless under a smiling sky or convulsed by gathering storm winds, had a great fascination for him.

His acute powers of observation, a natural gift, were a matter of surprise to me. It was a rare thing, too, when he couldn't name offhand our compass course within a point. Always a good sailor he was besides a model shipmate. Whatever were the discomforts and perplexities, and there are usually many during a sea voyage, he was constantly cheerful under them, a complaint not once passing his lips, while he was particularly averse to having distinctive attentions shown him, his desire being to share all things alike with those around him. These qualities especially appealed to me and those of my command in view of the shadow that was then upon him. His quiet, unassuming, and straightforward methods were a marked trait in his character and were exemplified time and again when he called,

unannounced and unpretentiously, on postmasters and other officials in the various ports, both large and small, we happened to enter.

General Payne was an entertaining talker, clear and forceful, fond of a story and often telling a good one himself. He was, moreover, an appreciative listener, quick to catch a point which, if it struck his fancy, he enjoyed most heartily. I never knew him to introduce the subject of politics into a conversation, and it is certain that no one would have become aware of his astuteness in that particular from any voluntary statement of his own.

Among the strong attributes of his character—"the flower and native growth of noble mind"—were his unvarying patience and fortitude under suffering, his gentleness and tender consideration at all times for others, an unaffected, open-hearted generosity, complete naturalness, a sincerity and strength of purpose, and unbounded patriotism. His creed was a simple one and he lived up to it:

"To do my duty in that state of life unto which it shall please God to call me."

There was none who came to know General Payne who did not soon cherish a real affection for him. He possessed the finer qualities of mind and heart, and taken all in all, was a remarkable man.

Association with Mr. Payne always produced affection. In speaking of him Mr. Leslie M. Shaw, Secretary of the Treasury, says:

Henry Payne was one of the best men I ever knew and one of the best friends that ever lived. His loss will long be felt by his associates and friends, and all his associates *were* his friends.

In the same strain spoke Mr. John Hay, then Secretary of State:

I find it difficult to speak about a subject so near to my heart as this. In common with every one who knew Mr. Payne, I had not only a high regard and esteem for him, but sincere affection.

He was a man of peculiarly lovable character, a man so sincere and genuine and upright himself that he was slow to believe evil of any one else; but if he had reason to think that his confidence had been abused, no one was quicker to punish wrong-doing and the wrong-doer than he was.

He rapidly won the respect and regard of every one with whom he was brought in contact, and his death will make a deep impression in Washington, not only through a sense of personal bereavement, but also the feeling that the country has lost a patriotic citizen and a most valuable public servant.

Hardly among those who knew him and valued him in his own state will there be more genuine grief than here among those who only a few years ago were comparative strangers to him.

Mr. Victor H. Metcalf, then Secretary of Commerce and Labor, thus expressed himself:

I have known Mr. Payne intimately for many years, and I regard his death as a national loss. He possessed great force of character and business aptitude. He devoted his entire time to the duties of his office and the unceasing attention he gave to it, to my mind, accounts for his untimely taking off. I think he was the most lovable man that I ever met, and possessed the kindest disposition of any man I have ever known.

His whole heart and soul were in his work. It could not be otherwise, for it was the ambition of his life to be postmaster-general, and he possessed admirable fitness for the position because of the previous training received.

Mr. Paul Morton, then Secretary of the Navy, exclaimed:

We shall all miss his wise counsel and good judgment.

Secretary Wilson of the Department of Agriculture, who entered the cabinet at the beginning of the McKinley administration, used this language:

Mr. Payne was such a genial gentleman that the Cabinet officials regret his death as a personal loss. The work of the post office department is heavy, and is growing greater all the time. Mr. Payne was a thoroughly trained business man, possessing a knowledge of his work, and carried this work into successful administration.

In the discharge of his duties the Postmaster-General sees more of the President than any other member of the Cabinet, and thus is thrown into closer official relationship with the chief executive. In this capacity Mr. Payne's judgment in regard to national affairs was of great service. He knew the country and was familiar with the lines along which it was growing and developing. Mr. Payne's value and service can well be epitomized by saying that he was a high type of the American business man. Personally my relations with him have been close. We were both western men with many views in common, and I was greatly attached to him.

Secretary Hitchcock of the Interior Department, thus expressed his feelings:

The Government has lost a faithful servant; Republican principles a loyal and earnest supporter, and his associates a genial and steadfast friend, while those who knew him intimately realize what an irreparable loss his family have sustained.

Mr. Joseph G. Cannon, Speaker of the House, telegraphed while on a campaigning tour in Minnesota:

Mr. Payne was my good friend through many years, and I mourn his death as I appreciate his friendship and his public service.

Perhaps may be properly placed here some words from the pen of Mr. Powell Clayton, of Eureka Springs, Arkansas, member of the Republican National Committee, and Ambassador to Mexico from 1897 to 1905:

Some twenty-two years ago it was my good fortune to make the acquaintance of Henry C. Payne: an acquaintance which soon ripened into a friendship which was only interrupted by the intervention of death. During the long period of its existence I had many opportunities to observe, and acquaint myself with, his characteristics, which, I feel, justifies me in saying that, as a friend, he was always steadfast and loyal; as a business man he did not achieve success by rudely thrusting aside or trampling under foot his competitors. His business methods and acts were fair and honorable; as a politician he belonged to that school which regards the words "Politics" and "Statesmanship" as so near akin as to be almost synonymous. Although firm and courageous in his convictions he was tolerant of the opinions of others; as a public official, with scrupulous integrity and untiring zeal he bent all of his faculties to the work assigned him, frequently devoting hours to it when, had he listened to nature's admonitions, he would have been at his home in bed. In a few words, I believe, if the life of Henry C. Payne were truthfully written and placed in the hands of the poor, struggling youths of America, it would furnish a lamp to light their feet through many a dangerous place and perplexing labyrinth in life's pathway—an inspiration to noble and heroic deeds in a fair field of competition for life's alluring prizes.

A friendship particularly close and sympathetic existed between Mr. Payne and Mr. Joseph H. Manley, of Augusta, Maine, a member of the Republican National

Committee. And because Mr. Manley himself has since followed Mr. Payne in death I venture to transcribe entire a letter from him, written upon hearing of the loss sustained by Mrs. Payne:

AUGUSTA, MAINE, 10th October, 1904.

MY DEAR MRS. PAYNE:

I received the sad news of dear Mr. Payne's death with great sorrow. I have known him these many years, and always found him a lovable, kind, affectionate man. He was the soul of honor, always thoughtful of others, giving his life really for others, a great lover of his country, and a true and zealous and honest party man. His death will be a great loss to President Roosevelt, the Republican party, to Wisconsin and the country at large. What it is to you and his friends I cannot cross the threshold of your grief to say. You will always have his bright and happy and cheerful life to remember. You will know how thoughtful and affectionate he was to you and those closely connected with him. Your loss will be great, and I can only offer you my heartfelt sorrow.

I trust the good God will give you strength to bear your great grief and keep you up in your terrible affliction.

You have my deepest sympathy.

I am, sincerely yours,

J. H. MANLEY.

The death of Senator Hanna, which had occurred in Washington, February 15, 1904, had imposed additional duties upon Mr. Payne when, physically, he was ill prepared to assume them. As vice chairman of the Republican National Committee the acting chairmanship fell to Mr. Payne and he performed the duties necessary to the position preliminary to the Republican National Convention. This body convened at Chicago, June 21, 1904. On June 15, 1904, at the Auditorium Hotel in that city, just prior to the meeting of the National Convention at which he was to preside, Mr. Payne was taken suddenly ill and was unable to be present at the meeting. Senator Scott, of West Virginia, presided in his stead. Mr. Payne rallied sufficiently to be present at the meeting of the

Committee held two days later, June 17, but felt too feeble for the arduous duty of presiding. He was sufficiently recovered to attend the last meeting of the Committee, held June 20, at which he was formally elected chairman as successor to Senator Hanna. On June 21, at noon, Mr. Payne called to order the Republican National Convention of 1904, being greeted with great applause from convention and galleries as he arose to perform his duty. As he was beginning he was interrupted by the chairman of the Chicago Citizens' Committee who, in its behalf, presented him with a gavel inscribed, "Mr. Henry C. Payne, Chairman Republican National Convention, 1904." Using this symbol of authority, Mr. Payne then introduced Mr. Elihu Root as the temporary chairman of the Convention and withdrew. Of the new National Committee formed after the Convention had nominated Roosevelt and Fairbanks, Mr. George B. Cortelyou was chosen chairman, and Mr. Payne no longer led Republican hosts to Republican triumphs. After a short visit to Milwaukee, destined to be his last, Mr. Payne returned to Washington.

On July 11, 1904, he, with Mrs. Payne and her niece, Miss Louise Jones, left Washington again, to have the pleasure and benefit of another sea voyage with Captain Ross. This was a jaunt along the New England coast to Portland, Maine, upon the trial cruise of the revenue cutter *Mohawk*. At Portland the party were the guests for two days at the home of Mrs. Payne's cousin, Mr. Elias Thomas. The cruise ended at Boston July 21, 1904, and the Postmaster-General returned to his desk in Washington.

CHAPTER XVII

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### The Last Things

On September 1, 1904, Mr. Payne, accompanied by his wife, visited his sister, Mrs. Cameron, in Jamestown, New York. Upon the evening of his arrival a reception was tendered to their guests by Mr. and Mrs. Cameron, which was largely attended by the citizens—men, women and children—of Jamestown and surrounding places. Upon the next day Mr. Payne assisted at the opening of the new post office building, which, although not quite ready for occupancy, was fitted up for a reception tendered to Mr. Payne, the reception forming a part of the opening exercises. A general invitation was issued to the citizens of Jamestown and surrounding towns, many flocked to meet him and all gave him a most cordial welcome. This structure has since been completed, and a picture of Mr. Payne now hangs in one of the offices in recollection of the initial ceremonies, and as the portrait of a friend whom the people in Jamestown “had learned both to respect and to love.”

From Jamestown Mr. and Mrs. Payne, accompanied by Mr. and Mrs. Cameron, journeyed into New England, having at their service the private car *Minnesota*, tendered them by Mr. Albert J. Earling, president of the Chicago, Milwaukee and St. Paul Railway Company. Their first stop was at North Adams, Massachusetts, where Mr. Payne added to the party his childhood friend and in-

structor, Miss Diana S. Bowen and Miss Eliza I. Maynard, an old time friend. Leaving North Adams in the afternoon of Monday, September 5, they drove over the Hoosac Mountain (a favorite boyhood drive of Mr. Payne's) to Shelburne Falls, in order to enjoy the better the delightsome scenery and to recall more quietly and thus more effectively the pleasant memories of early years. The party arrived in Shelburne Falls late on Monday and obtained entertainment at the hotel there. In the morning of Tuesday, September 6, Henry—for so his childhood comrades still fondly called him—drove about the village, ruminating of the early days, recalling and reverencing the memory of his parents, renewing many old friendships and winning many new friends by his geniality and sunny disposition. In the afternoon of Tuesday, the Payne party, re-enforced by their friends, Mr. and Mrs. Edwin Baker, of Shelburne Falls, visited Ashfield Plain, the natal place of Mr. Payne and of his sister. After being entertained by Mr. and Mrs. Porter, hosts of the Ashfield House, the visitors returned by way of Conway to Shelburne Falls. On Wednesday morning, September 7, the party drove to Charlemont, where they attended the annual gathering of the Old Folks' Association of Charlemont. In the evening they were entertained by the Shelburne Falls Club, where Mr. Payne spoke feelingly and entertainingly of his childhood and youth among his listeners forty years before. On Thursday, September 8, he attended a campfire of Company H, Tenth Massachusetts Infantry Regiment,—the company which in 1862 had refused him enlistment. On Friday he bade final farewell to Shelburne Falls.

More than nine months after this, on June 21, 1905, President Roosevelt, journeying through western Massachusetts upon the occasion of receiving the degree of doctor of laws from Williams College, requested that his train might stop at Shelburne Falls, exclaiming to the throng of assembled citizens: "I wanted to stop here where my valued friend, Henry C. Payne, afterwards Postmaster-General, passed his early years, and to say a word of tribute to the memory of as gentle and loyal a soul as ever took part in public life."

On Friday, September 9, 1904, the Payne party arrived from Shelburne Falls in Northampton, where they remained over the ensuing Sunday at the Norwood Hotel. To seek his fortune in the then distant west he, an unknown lad, had left this city more than two score years before; he returned now, full of years and honors, to revisit the old scenes, to re-cherish the old friends, to recall the old memories, and then, a few days later only—for so it was to be—to close the volume of his life and die.

The morning of Saturday, September 10, was spent in receiving and visiting friends, the afternoon in drives, and the evening at a reception tendered to Mr. Payne by the Northampton Club. After a quiet Sunday, the little party made a visit to Mount Tom in the morning of Monday. In the afternoon Mr. and Mrs. Albert E. Smith, of Springfield, former Northampton friends of Mr. Payne, toured over from Springfield in their automobile and took Mr. and Mrs. Payne a ride of sixty-five miles in length, through Deerfield, Hatfield, Sunderland and Amherst—a choice experience for Mr. Payne, for he thus revisited boyhood friends and haunts. On Tuesday, September 13, prominent citizens and friends from Greenfield tendered him a

dinner, drive and reception, on accepting which a delegation came with a private electric car to escort him to the old town, where the party passed a most enjoyable day. On Wednesday morning there was a quiet drive to and about Turner's Falls, and on Wednesday afternoon, September 14, Mr. and Mrs. Payne started in the *Minnesota* for New York and Washington. This had been a trip of great interest and enjoyment to Mr. Payne, but it had caused great fatigue.

One of the last drives about the capital taken by Mr. Payne—a favorite spot with him—was to visit a place, indicated by markers, where lie buried two members of his favorite Company H of the Tenth Massachusetts, Michael Doherty and William Mehan, who had died in the fall of 1861 when this troop was stationed at Washington for its defense.

On Saturday, September 24, 1904, he, with his wife, attended the last social gathering in which he was to participate. This was a dinner given by President and Mrs. Roosevelt in honor of Most Reverend Randall Thomas Davidson, Archbishop of Canterbury, England, who, with his wife, was then visiting in Washington.

On Tuesday, September 27, 1904, Mr. Payne attended the customary cabinet meeting, and in the afternoon took a short drive to Rock Creek Park, but that night his sleep was restless and disturbed. On Wednesday forenoon he sat at his desk at the Post Office Department, but feeling unequal to the labor he did not return after luncheon. Wednesday night he became very ill. The newspapers of the country received dispatches on Thursday that "Postmaster-General Henry C. Payne is seriously ill at his apartments at the Hotel Arlington here. Marked symp-

toms of heart trouble have developed and his condition became so serious during the day as to cause grave concern." Nevertheless, during the early period of his illness, he devoted much time and energy to public business, dictating important letters, receiving information about pressing affairs and eagerly inquiring for news of the political battle that then was disturbing the country.

His physician was Dr. G. Lloyd Magruder, who, however, received the daily counsel and the diagnosis of Dr. Presley M. Rixey, surgeon-general of the navy, Dr. Cary T. Grayson, also of the navy, and Dr. William Osler, a specialist in diseases of the heart, from Johns Hopkins University at Baltimore. Daily bulletins were issued by the physicians, but from the first the information conveyed thereby was disheartening. There was a succession of sinking spells, each of increasing severity and the rally from each left the patient on a lower level, until exhausted nature forbade further rallies. On the afternoon of Sunday, October 2, Mrs. Payne fearing that the end was then imminent, sent for the Rev. Roland Cotton Smith, D.D., of St. John's Episcopal Church, Washington, by whom prayers suitable to the solemn hour were read. Meanwhile the relatives of Mr. Payne and of his wife had been summoned and had arrived at the bedside.

The deepest concern was felt and exhibited by the President and his official family. Every day, sometimes twice daily, Mr. Roosevelt called, and, although forbidden to see his friend, remained in the outer rooms hoping for news of improvement. Mrs. Roosevelt was a frequent soothing visitor to Mrs. Payne, and when duties prevented a daily call sent floral substitutes from the White House conservatories. The cabinet officers and members of their families, the Justices of the Supreme Court, Ambassadors, the Admiral of the Navy, the officials of the Post Office

Department, the representatives of foreign governments, and others high in rank then in the city, either called in person or sent frequent messengers of inquiry.

Mrs. Payne, although herself an invalid, and although feeling that all efforts were to be unavailing, kept constant vigil with the physicians and nurses, and wore out her own strength in the watch about the bedside of him who had her name almost always upon his lips. How frequent to her thought must have been the reminiscence of her early married life in Milwaukee when the strong husband, now stricken and doomed to death, was her affectionate, loyal and constant minister!

Towards seven o'clock in the evening of Monday, October 3, there was apparently a wonderful improvement in the sufferer's condition and there was the swelling of hope in the hearts of the unskilled. But to the waiting physicians it was the last supreme rally before the end. Then delirium supervened and mingled with affectionate expressions for his wife were orders concerning the presidential contest then raging. At noon of Tuesday the sick man relapsed into unconsciousness, out of which he did not emerge. His last words were, "Tell him I want to see him before he goes." His Private Secretary, Mr. Whitney, was standing at the time by the bedside and after Mr. Payne had recognized him with a few words, the above order was addressed to the attending physician with reference to Mr. Whitney.\* These words

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\*Concerning Mr. Whitney I venture to copy the following sentences from a despatch of October 5, 1904, from the Washington correspondent of the Milwaukee *Sentinel*, to that newspaper:

A faithful and devoted friend and servant through twelve years of active business life, in the details of departmental duty here, and down to the hour of his death, has been Mr. Payne's private secretary, Francis H. Whitney, of Milwaukee. Mr. Whitney came with Mr. Payne when the latter entered the department. He was wholly unaccustomed to official life, but he accustomed himself to the de-

had been Mr. Payne's frequent order while at his desk, and at this last hour he used them doubtless from force of habit.

Late in the afternoon of Tuesday the President came—the last caller upon Mr. Payne outside of those upon duty with him. Mr. Roosevelt remained until six o'clock. Issuing from the rooms, to those in waiting outside he pronounced his dying friend to be "the sweetest, most lovable, and most trustful man he ever knew."

At ten minutes past six o'clock in the evening of Tuesday, October 4, 1904, the soul of Mr. Payne left his weary body. There were present at his bedside besides Mrs. Payne and her relatives, and the kinsfolk of Mr. Payne, the Rev. E. Slater Dunlap of St. John's Episcopal Church, Mr. and Mrs. William L. Mason, of Washington, Mr. Payne's Secretary Mr. Whitney, Miss Marie Barbieri who was Mrs. Payne's attendant, and the colored messenger of the Post Office Department.

The official bulletin of the physicians read:

The Postmaster-General died at 6:10 p.m. He died peacefully without a struggle. Cause of death, disease of mitral valve and dilatation of the heart.

P. M. RIXEY,  
G. LLOYD MAGRUDER,  
C. T. GRAYSON.

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tails of his position and endeared himself to the multitude of callers who daily thronged the rooms of the Postmaster-General.

Although young, he was ever discreet and exhibited a high sense of propriety upon all occasions, and the tact and good judgment which become the closest companion of one in high official place. In the long sad hours of Mr. Payne's last illness Mr. Whitney has been in constant attendance, looking after the wants of the family, meeting and advising with visitors, and keeping the outside world advised by information carefully disseminated to the newspaper correspondents. At all hours of the day and night since Wednesday last Mr. Whitney has been accessible, and his devotion was one of the touching incidents of the long hours of ceaseless vigil.

The Secretary of Mr. Payne was overwhelmed with messages of condolence, sympathy and sorrow, addressed to him and to Mrs. Payne from all sections of the country and particularly from the home city and state. These have been preserved and in their arranged and bound condition evidence eloquently the esteem and affection so widely and so universally felt for him who had gone. Among the first to send a message of sorrow was Mr. Albert J. Earling of the Chicago, Milwaukee and St. Paul Railway Company, who, with his message of sympathy, placed his private car at the service of the family for the sad journey to Milwaukee.

Upon the day after Mr. Payne's death the President issued the following proclamation :

*To the People of the United States:*

Henry Clay Payne, Postmaster-General of the United States, died in this city at 10 minutes past 6 o'clock yesterday afternoon.

Rising to eminence by his own efforts, successful in his enterprises, attaining to positions of high trust in private business, energetic and conscientious in his relations with his fellow men, of singularly gentle, loyal and lovable nature, inspired by a large sense of the duties of a true citizen, and winning the respect and esteem of all with whom he associated, he was called in the fullness of his powers to discharge the duties of a peculiarly onerous and responsible office in the high councils of the nation. His career is an example for good citizens to follow, and his untimely death is mourned by all.

The President directs that the several executive departments and their dependencies shall show fitting regard for the memory of this distinguished public man; that the departments in the city of Washington shall be closed between the hours of 9 o'clock a.m. and 1 o'clock p.m. on the day of the funeral, Friday, the 7th inst., and that the national flag shall be displayed at half-mast upon all the public buildings throughout the United States from now until the funeral shall have taken place.

By direction of the President.

JOHN HAY.

Department of State,

Washington, Oct. 5, 1904.

Upon the same day the following message was cabled by the general postal authorities in London:

LONDON, October 5.

*The Post Office Department, Washington.*

Lord Stanley, his Majesty's Postmaster-General, and Mr. Babington Smith, Secretary of the British Post Office, desire to express their deep sympathy with the Post Office Department of the United States in the heavy loss which it has sustained in the death of H. C. Payne, the Postmaster-General.

On Thursday, October 6, the following proclamation was issued by the Governor of Wisconsin:

It is my painful duty to announce to the people of Wisconsin that Henry C. Payne, Postmaster-General of the United States, died in the city of Washington, Tuesday, Oct. 4.

In the death of Henry C. Payne the state of Wisconsin loses one of its most widely known and distinguished citizens. He was prominently identified for the greater part of his life with state and national politics. His commanding ability and unusual genius as an organizer won him success and a reputation both as a politician and a business man. His genial personality, generous nature and sympathetic qualities made him a delightful companion. His friendships were warm and lasting, and he will be honored by a far-reaching circle of loving friends and associates.

In respect to his memory, I direct that the national flag be displayed at half-mast on all municipal buildings until sundown of the day of the burial.

In testimony whereof I have hereunto set my hand and caused the great seal of the state of Wisconsin to be affixed. Drawn at the capitol, in the city of Madison, this sixth day of October, in the year of our Lord 1904.

ROBERT M. LAFOLLETTE.

On the same day the following proclamation was issued by the Mayor of Milwaukee:

Henry Clay Payne, a citizen of Milwaukee, is dead. In many positions of private and public trust he reflected much honor upon our city. At his demise he was Postmaster-General of the United States, and as such a member of the presidential cabinet, an exalted station and so regarded by all men. We recall his eventful and

honorable career only with patriotic memory. Partisan considerations died with him, and we deplore his loss as a citizen, as a man, and as a public servant.

It is eminently fitting that our people should show their appreciation of his worth, of the honor which in official station he brought to our municipality, our esteem for him as a neighbor, and manifest sorrow at his untimely departure.

I therefore direct that flags be displayed at half-mast from the city hall and from all departments and public buildings until his funeral obsequies shall be ended.

It is so ordered.

DAVID S. ROSE, Mayor.

The funeral in Washington occurred at 11 o'clock on the morning of Friday, October 7, 1904, at Saint John's Protestant Episcopal Church, the Rev. Roland Cotton Smith, D.D., the rector, officiating, assisted by the Rev. E. Slater Dunlap. The church was thronged with mourning friends, including the President and Mrs. Roosevelt, the members of the cabinet and their families, the Admiral of the Navy, the Chief of the General Staff, the Supreme Court of the District of Columbia, Senators, Members of the House of Representatives, the Members of the Diplomatic Corps and the officials of the Post Office Department. These last officials occupied the entire right side of the church.

The services were marked by great simplicity and consisted of the reading of the burial service and the singing of hymns selected by Mrs. Payne, "Lead, Kindly Light," "Jesus, Lover of My Soul," and "Hark, Hark, My Soul."

The chancel was fragrant with flowers sent by friends everywhere. Among these were flowers from the delegates of the German postal administration, from the Brazilian chargé d' affaires, and from the Argentine lega-

tion. The only flowers upon the casket were those placed there on behalf of Mrs. Payne, her niece, Miss Jones, and the President and Mrs. Roosevelt.

The casket was borne from the residence to the church upon the shoulders of eight uniformed letter carriers, followed on foot by the family, members of the cabinet and of the household. Officials and others of the Post Office Department and all the letter carriers of Washington marched from the Department to the church and thence to the depot, surrounding and following the casket, forming a guard of honor. The train, in charge of Secretary Whitney, left the station of the Pennsylvania Railroad at 3:35 o'clock in the afternoon of Friday, the casket being in Mr. Earling's private car, the *Minnesota*, which was appropriately draped.

The train with the casket arrived in Milwaukee on Saturday afternoon at 2:20 o'clock; there being in the party besides the relatives of Mr. Payne and Mrs. Payne, Secretaries Wilson, Metcalf, Morton and Hitchcock of the cabinet, Doctors Magruder and Grayson, Mr. Earling and Mr. Whitney.

As the train arrived prior to the scheduled time, the car containing the casket was sidetracked at the station of the Chicago, Milwaukee and St. Paul Road, under the guard of a detail of police. At about half past seven o'clock Saturday evening the casket was removed to the City Hall, under the charge of the letter carriers and accompanied by the honorary pall bearers, members of the Merchants' and Manufacturers' Association, Chamber of Commerce and Old Settlers' Club.

In the rotunda the casket, with a guard of honor, re-

mained all night, the walls of the rotunda being covered with black cloth, and draped with Alabama smilax, the floor banked on all sides with spreading palms and ferns, while all about on pedestals and stands, from friends everywhere, was a wealth of flowers and floral emblems. Among these was the gift of President and Mrs. Roosevelt, a wreath of roses.

From 8:30 o'clock until midnight of Saturday a steady stream of people viewed the silent face in the opened casket, and from eight o'clock of Sunday morning until noon the same stream of respectful and solemn citizens and friends filed past the body.

At three o'clock on Sunday afternoon, the simple burial service of the Episcopal Church was read in All Saints' Cathedral by the Right Reverend Isaac L. Nicholson, Protestant Episcopal Bishop of Milwaukee, assisted by Rev. Canon C. B. B. Wright. The church was crowded with the friends of Mr. Payne. Delegations represented the Republican National Committee, the Chicago and Milwaukee post offices, the Chamber of Commerce of Milwaukee, Merchants' and Manufacturers' Association, Old Settlers' Club and Society of Colonial Wars for the State of Wisconsin. The honorary pall bearers were Paul D. Morton, Victor H. Metcalf, James Wilson and William S. Shallenberger, of Washington; James G. Jenkins, Joseph V. Quarles, Frank G. Bigelow, Charles F. Pfister, John I. Beggs, Alfred L. Cary, Irving M. Bean, Gustav G. Pabst, George P. Miller, Howard Morris, Charles E. Dyer, Oliver C. Fuller, Horace M. Brown, Winslow A. Nowell, David Vance, Leroy C. Whitney, John D. McLeod, Henry F. Whitcomb, Charles Schley, David C.

Owen, of Milwaukee; John C. Spooner, Elisha W. Keyes, of Madison; Graeme Stewart, George R. Peck, of Chicago; Elmer Dover, of Washington, D. C.; Harry S. New, of Indianapolis; David W. Mulvane, of Topeka, Kansas; R. B. Schneider, of Fremont, Nebraska.\*

The active pall bearers and guard of honor were selected from the main office and stations of the Milwaukee post office.

The burial was in the family lot in Forest Home cemetery.

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\*Of these Messrs. Dyer, Nowell and Stewart have since died.

CHAPTER XVIII

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**"An Unappreciated Type"**

Perhaps no more just appreciation of the work of Mr. Payne in public life can be given than that presented in the following editorial entitled, "An Unappreciated Type," in the Minneapolis *Tribune* of October 6, 1904:

A life of modest usefulness to his countrymen ended with the death of Henry C. Payne. He had no inclination, perhaps no fitness, for the higher work of constructive statesmanship that has occupied his lifelong fellow worker, Senator Spooner. He was content with the obscurer work of party and administrative management, which has rarely been done with more constant regard to the general good. He was not a self-seeker, though he welcomed the reward that came at last to a lifetime of service.

For a third of a century other men reaped the fruitage of public station for which he toiled unremittingly in the service of his party. Among these men are some whose names will be more permanently connected with the history of Wisconsin and the country than his own. Before he is forgotten he should receive just recognition for his part in creating their opportunity for gaining personal fame and doing public service.

Mr. Payne, like Senator Hanna, belonged to an unappreciated type. The politician is a necessary agent in the public life of a free country. The lower rewards of the service often tempt unworthy men into it. They who despise these lower rewards, as Mr. Payne did, must be content with scant recognition from contemporaries and brief remembrance by posterity. All the more reason for doing them justice while they live and when they die.

Mr. Payne was a politician because he liked to play the game and to succeed in it. If not the highest ambition, it is an honorable one. He did not make politics a profession. He did not enrich himself in it. He carried the double burden of large private affairs and unpaid service to the country in the form of service to the party he believed in. Party is necessary in Republican government, and this service, when highly and unselfishly done, is as honorable, although not so glorious, as making laws and ruling nations.

Because the foregoing article has made prominent the career of Mr. Payne as a politician I have reserved for this position an estimate of his political life from the pen and heart of Mr. James S. Clarkson, surveyor of the port of New York, at one time chairman of the Republican National Committee:

As I now remember it, I became well acquainted with Henry Payne in 1876, and at the Republican National Convention, in Cincinnati, in that year, the same occasion on which I was first brought into intimate association with Senator Platt, of New York, Governor Foraker, of Ohio, Senator Quay, of Pennsylvania, Mr. Fessenden, of Connecticut, Mr. Hobart, of New Jersey, General Alger, of Michigan, and other great spirits with whom Mr. Payne and I afterwards, and for nearly a generation of active politics, became so closely associated in national conventions and in the campaigns of the National Committee afterwards and in strong personal friendships as well. In that year Blaine's star was rising to its long-time supremacy in the political sky, and the Republican party's leaders were dividing themselves in eager rivalry between him and General Grant—a division which lasted for nearly a generation of active contests. I well remember the year 1876 as the beginning of many conspicuous and enduring personal friendships between large groups of party leaders; and it will always be left to me to remember that in that year of great party events and the development of so many great party leaders I found and formed the most grateful friendships and the dearest friends that, outside of kinsmen, I have found in my whole life. My experience in politics, too, bears the testimony now of over forty years in contradiction of the popular cynical idea that politicians are heartless and without sentiment and that political friendships are all selfish and fleeting. Instead, I have had personally over a generation of continuing proof that more true and lasting friendships are formed in politics than in any other profession, or in any other division of active and strenuous men, and I have seen more sincere, unselfish, and sacrificing friendship and devotion shown among what are flippantly called politicians than among all other great groups of men with whom in the business, or even religious, world I have been brought in contact. Indeed, the greater riches I have left to me in life now are the vivid and grateful memories that I was permitted to know in intimate and unchanging friendship such men as Mr. Payne and the others I have named, and many more like them, and that our friendship for and faith in each other endured in loyalty and growing tenderness and devotion for over thirty years and never

ended. These were friendships that met all tests that intense conflicts bring to all ambitious and militant men, only to grow stronger, and that survived all the rivalry, jealousy, and greed of which the world of politics is commonly supposed to be made up; and survived to remain almost the most precious things in the lives of us all. Therefore, when I am told that a book of faithful record of the good life and good works of Henry Payne is to be printed, and that I may have the privilege and the honor of being among those permitted to pay him their final tribute, I find myself wondering, not what I can say of estimate of him and his usefulness and his nobility, but what of the many things to be said in his praise I shall refer to in this short space.

Of course, I knew of Mr. Payne as early as 1872, as a rising factor in western politics, because of his growing prominence and activity in the affairs of Wisconsin; and had met him incidentally several times in Chicago, and once or twice had seen him at Des Moines, when he had come into Iowa on political or business errands. I liked him from the first, because of his engaging and manly qualities, and found in him a kindred spirit of earnest Republicanism and frank personality. Then young and an eager student of politics, I was also attracted to Mr. Payne because he was a Republican from Wisconsin, or from one of the two pioneer states in Republicanism, or one of the two states that had elected its entire Republican state ticket as early as the year 1854—a crown of honor which it has had to share with only one other state. It was a great distinction in those days to be a Wisconsin Republican; and Mr. Payne, though then still in his twenties, showed the inspired enthusiasm of his state and already was eager for work for the party in the national field. But my most distinct recollection of him is that it was at the Cincinnati convention that I came into intimacy and comradeship with him, and also with Senator Sawyer, who was for several years the sturdiest and most popular man in the personnel of western Republicanism, and with John C. Spooner, who was even then revealing himself to the party and the nation in his predestined career; and already modestly exhibiting, as opportunity came, the rare powers of felicitous oratory and unusual legal knowledge, which now for several years have been proving their pre-eminent usefulness to his party and his country in his admitted position as the leader in constitutional debate and Republican defense in the United States Senate, and in which he has fairly won the title to rank as peer with the greatest lawyers in the whole history of that illustrious body. I call Mr. Sawyer and Mr. Spooner into companionship with Mr. Payne here because these three men were so closely associated then and ever after, as long as they all lived, that I have never heard one of them mentioned since that I have not thought of them all; and let

me say it here, at the end of these lengthened years, when two of them are gone, always with admiration and affection for them, and always with pride that I was honored for nearly a generation with their unquestioning and never-changing friendship. These three men, in their close friendships for a lifetime, beautifully illustrate the claim I have made that the truest and strongest friendships among real men are those that are made and proved, and made so unchanging and unchangeable as to be practically immortal, in the storms and tests and cruelties of politics. Where, in eastern or western state, or among western or eastern men, in any profession or any division of men, can now be recalled any three men who represented in their devotion to each other and in their greater devotion to their state and their nation, the devotion that was shown for a generation by this illustrious trio composed of Senator Sawyer, Senator Spooner and Henry Payne? If you confine it to Wisconsin or compare it and Wisconsin with other states and their leaders, where are there three other men who ever worked together for a whole lifetime with the great devotion, and the resulting greatness in achievement, as these strong and splendid men worked for Wisconsin? If the expressive phrase of athletics could be properly employed for description of such great service in statecraft and party devotion, it could be said that no such effective team-work has ever been done for any state as these three masters among men—each superior to the other in some especial strength and yet all supplementing one another to a perfect union of strength—so loyally did for a state which they so intensely desired to serve. No one who loves Wisconsin, and no one of any community who loves rare strength and fealty in men, can ever in the future fail to admire and honor, whether separately or as a whole, the names of Senator Sawyer, Senator Spooner, and Postmaster-General Payne.

In another and more critical sense, too, it would be impossible to attempt to give accurately and in anything like faithful measure any estimate as to the public work or career of Mr. Payne without including these two illustrious men in the discussion; for in the nation at large, in all the great National Conventions of the party and in all the important campaigns waged by the National Committees afterwards with which I had personal and active association, or from 1876 to 1896, they were always together, always acting in unison, with the one exception of 1892, when Senator Sawyer was for Harrison's renomination and Mr. Payne was for Blaine—not against Harrison just to be against him, but because he believed, with many others of us and with the large majority of the experienced practical leaders of the party, that Blaine was the only man that the Republican party had any possible chance to elect in that year. It is also to increase the measurements of Mr. Payne as a

political leader, to bring him into fellowship and contrast with two men so strong and great as Mr. Sawyer and Mr. Spooner, for in some, and in some of the most important respects—in the quantities or the mathematics of organization and operation in practical politics, in the ability to organize in detail with the largest possible certainty of success, in the gift of keeping near to public opinion and in knowing in advance the issues most likely to win in the country at large—he was the superior one of the three, just as he was in late years and in all the great presidential campaigns one of the two or three wisest counsellors of the National Committees, and especially as he was in the momentous campaign of 1896 not only the superior of Mr. Hanna in knowing what to do to win and, next, in himself making the organization to win, but the more fairly and fully entitled to the larger credit for the victory itself.

I do not know what Mr. Hanna himself said or felt as to the transcendent value of Mr. Payne's help in that memorable campaign, for I never knew Mr. Hanna well, and so had no chance to know of the inner thoughts of his great and courageous mind; but I shall always believe that he knew the great and saving value to him and to the party in that campaign of Mr. Payne's consummate mastery of organization in detail; and that he knew also that in perfecting this organization for victory Mr. Payne gave his health and, practically his life, and was never after that himself again either in strength or in spirit. I accept as proof of this belief of mine, Mr. Hanna's earnest appeals to President McKinley—the most earnest of all his appeals to his Chief—to recognize Mr. Payne's great and saving work for the party by granting to him the fulfillment of the darling ambition of his life to become Postmaster-General. Mr. Hanna must have known—great and unequalled as was his own share of the work in that campaign, in organizing sufficient financial resources to make victory with close organization not only possible but sure—that it was Mr. Payne's marvelous skill alone that gave the close organization, and therefore the victory. Mr. Hanna's actions afterwards are confirmation to me that he knew this to be true; and it was commonly known that Mr. McKinley's strange refusal to give Mr. Payne his just due was one of the greater disappointments of Mr. Hanna's political life, as it is also known that in his undying gratitude to Payne he made to President Roosevelt, when opportunity came, the same appeal he had made in vain to McKinley, and found in Roosevelt's favorable action very much of compensation for the actual sorrow he had constantly felt over McKinley's refusal. I believe, too, that it was most largely Mr. Hanna's gratitude to President Roosevelt for paying this deserved but delayed honor to Mr. Payne, that kept him in 1903 from yielding to the appeals of his own friends and of all those who were discon-

tented, to become a candidate for President himself. I think no one knew this so well or so certainly as Mr. Payne, for in 1903 and afterwards, when there was so much effort to induce Mr. Hanna to be a candidate against Mr. Roosevelt, Mr. Payne constantly asserted that there was no ground whatever for this belief and that Mr. Hanna was instead at heart for Roosevelt. Mr. Payne was then a trusted and political confidant of the President, and those of us who knew Henry Payne well knew that he was stating what he personally knew to be true; for all of us knew that it was not in his nature to be disloyal to the President or to sympathize in any degree with the endeavor then being made to make Hanna a candidate against Roosevelt.

It was in the twelve years of the Republican National Committee from 1884 to 1896, or, rather, in the sixteen years from 1880 to 1896, that I learned to know intimately of the political genius and personal nobility of Mr. Payne. He, the same as I, was always connected with the Executive Committee of the National Committee and all its activities during those years. It was during this time in service on that committee that there developed a strong group of strenuous men who early became and always remained close and devoted friends. Particularly was there developed a very earnest friendship between Mr. Fessenden of Connecticut, Mr. Hobart of New Jersey, Mr. Payne of Wisconsin, Mr. Kerens of Missouri, Colonel Goodloe of Kentucky, General Dudley of Indiana, Colonel Conger of Ohio, and myself from Iowa; and, in different yet equally earnest degree, Senator Quay of Pennsylvania and Senator Platt of New York; but the earliest, closest and longest friendship was that established between Mr. Fessenden, Mr. Hobart, Mr. Payne and myself. In all the National Conventions and campaigns of the Republican party from 1876 to 1896 the four of us worked closely together, and always in loyalty and affection for the party and for one another. In the four conventions and campaigns of 1880, 1884, 1888 and 1892, four men could never have been more intimate or worked more closely together in common endeavor for the party and in loyal support of one another, so far as personality was concerned, than these four men worked in these four great national contests. It was in these campaigns and conventions, and in the many conferences of great party leaders incident to the activities of the party in these twenty years, that I frequently saw the ability and the value of Mr. Payne as a political leader and counsellor fully tested and as often fully proved.

During all that period and for the two campaigns following—those of 1896 and 1900, when I was no longer a member of the committee—his counsel was as much sought in the National Conventions and in the national campaigns and as much depended upon as that of

any leader in the party. Whether in party conferences, that included Mr. Blaine in the campaigns of 1884 and 1888, and General Logan, General Garrison, Senator Allison, Senator Hoar, Governor Foraker and many other noted leaders, or in National Committee conferences with Senator Quay, Senator Platt and the leading members of the National Executive Committees, or in conferences between the Executive Committee of the National Committee and noted business men and financiers of the country—all conferences of great importance, and some of them history-making in their peculiarly great importance and in their resulting influence on national action—in any and all of these conferences he was a prominent and influential spirit. No leader in the Republican party held the confidence and affection of the rank and file of the party during those years more largely than he did. No other party leader was more influential with all the party leaders than he was in that period, and very few of the party leaders commanded as fully as he did the confidence of the great business and financial interests of the country; for he had won as fine a reputation for strength and safety in the business as in the political world. These great qualities made him a leader whose counsel the party often sought, and never in vain. There was that in his nature which caused all men of discernment brought in close contact with him to see and know the sincerity of his life, the manliness of his character, the clearness of his vision, and the superior stability and sanity of his judgment. He was broad and strong and firm in all things, always amiable and never intolerant, a counsellor to be trusted, a leader to be valued, a man to be loved. This was what those of us who served with him so many years in the executive work of the National Committee, and saw him under many heavy tests, any one of which would have carried down any leader not strong and true, early learned to know of him; and every day and year that followed our first acquaintance with him served but to increase our admiration for him as a leader and our love for him as a man. I could write a whole book full in telling of scenes and incidents in National Conventions and campaigns, and in important events in the party in the intervals, in which I have seen Mr. Payne bear a great and controlling part. He had a personal acquaintance in the party as wide as the country, and wherever he had an acquaintance in the party he had a personal friend. This fact, in addition to his rare ability as a counsellor and organizer and his high standing in all party councils, always made him a great and influential factor in all party conferences or conventions. These high credentials of personal power on the part of Mr. Payne, and his unity with Senator Sawyer and Senator Spooner, and the fact that the Wisconsin delegation was one of the delegations in National Conventions that always knew its own mind and had the

courage to follow it and always acted as a unit, several times made that state the leader in deciding the party nominee for President. This was particularly true as to the selection of Garfield in 1880, of Harrison in 1888, as it had been also largely true of the choice of Blaine in 1884, and as happened again in the choice of McKinley in 1896. In 1892, Mr. Payne, for the first time, was separated from the other great leaders of his own state, as I have already mentioned, and even in that, the after result of party defeat following the choice made but confirmed his wisdom and prescience as a political leader in knowing the relative strength of men as candidates, and in knowing, also, the certain and inevitable drift of public opinion. In that convention, too, I saw signal confirmation of his devotion to party interest rather than to his own personal ambitions; for, although it is popularly supposed and now historically accepted, that Hanna's first attempt for McKinley for President was not made until 1896, many of us personally know that instead his first effort was made at Minneapolis in 1892, and made with McKinley's full knowledge and consent, and made in very active manner. I was asked by Mr. Hanna to go as the Chairman of the National Committee with Mr. Fessenden and Mr. Payne to see Mr. McKinley. We met the great figure of 1896 and 1900 in a room on the top floor of the West Hotel, where direct proposals were made to us for a swing from Mr. Blaine to Mr. McKinley, and two Cabinet places offered to our little party of three—and one of them to Mr. Payne. It made no impression on him, and had no part in changing his opinion that Mr. Blaine alone among Republicans stood any chance of election as President in that year. In this instance he merely followed the loyal and generous habit of his whole life as a Republican, or the habit of always putting the party's interest above his own interest or ambition.

I could give hundreds of other incidents connected with Mr. Payne in national politics and in proof of his devoted service to the Republican party which would bear the same testimony as this one I have recalled. Indeed, it was this generous disposition to sacrifice himself for his party and to sacrifice self for friends, that made us all who were brought into the intimacies of many important years and events with him learn to love him at the start and to increase the affection with each passing year. He had that rarest and best quality in all men—that mingling of strength and tenderness which makes at once the strongest and most lovable of men. All people brought near to him always felt this gentleness of his nature as much as they felt his great strength and force. It was this combination of things most loved in all men that brought to Mr. Payne the greatest and proudest friendship of his life; and secured for him, unsolicited, the high favor of President Roosevelt's recogni-

tion and approval. It was my fortune, in 1902 and 1903 and early in 1904, to be brought several times into close conference with the President and Mr. Payne in Washington, on matters concerning the welfare of the Republican party. It was a joy to me, who knew Mr. Payne so well, to see how completely the President gave him his confidence and his affection. I can never forget how at one conference, ending so late in the night as to be early in the morning, which had dealt with many practical and quite vexing questions in politics, and in which Mr. Payne had shown his genius in political leadership, the President put his arm about him and brought him toward me and said, "Harry Payne has been of more comfort and more help to me than any man has been since I have been President." It was a tribute, coming from such a source, that was worth living a whole lifetime to receive. I had never before heard Mr. Payne called "Harry,"\* for we who had been so close to him and his heart for many years had always called him "Henry Payne," almost as if it were his whole surname; but I felt the thrill of the great affection that sought a title which had in it something of a caress and intimate nearness. Just as this greatest of all Americans of the past or the present, as I believe, and as I believe time will confirm, saw the rare strength and the equally rare gentleness of Henry Payne, and loved him for both, so did all people who ever came close to him see and love him for the same rare and noble qualities.

There was in this fine friend of ours as a man, in a peculiar and noble degree, that which made him in his whole journey through like a friend to every one who deserved his friendship, and, in his kindness and generosity, to many who did not deserve it—for in the wide and instant sympathy of his nature no fellow-being in need ever was alien to him. Therefore, memory of him, and affection for him will remain, and remain to increase as the years shall pass, and as all men shall come more and more to love most of all in every human being modesty, honor and sincerity.

Mr. Payne was familiarly known in Washington as "the politician of the cabinet." In no offensive sense was this term used; in no offensive sense was it true. If it meant that in a city boiling with politics and overrun with politicians he was familiar with all the intricacies of the craft, could act as a foil upon the schemes of the design-

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\*Harry was also the familiar designation used by Senator Hanna and by Senator Scott, of West Virginia.

ing, the unpatriotic and the unprincipled, and at the same time could put in motion the machinery to advance and to perpetuate the principles of the Republican party while not neglecting the duties of the office which he had taken oath to perform, then the term politician properly describes Henry C. Payne. But this term does not accord him the praise which is his full due—the praise belonging to the man who dies doing his duty. The closing years of Mr. Payne's life, while they brought him great honor, brought him also an exacting routine, unrequited toil, unmerited criticism, days full of worry, nights pillow'd with thorns. All these, heroically, unflinchingly, uncomplainingly, he endured. What had become the rugged path of duty he manfully walked until he could tread it no longer. Then, his body, enfeebled by disease and stricken with death, was tenderly laid to rest in its tomb.

These pages have lacked their office if they have not enabled the reader to appreciate the character of Mr. Payne as conspicuous in his public career. In his private life there abode many virtues. The cartoonists, who delighted to sketch him cigar in mouth, knew not that he never smoked. In eating and in drinking he was strictly temperate. Very seldom the profane word escaped his lips; never, the doubtful word or tale. No man was more amiable, more companionable, more beloved. No visitor, beseeching a favor, sought him in vain. No one encountering him in the thickest perplexities of business, saw a sorry visage, a ruffled temper, a sour disposition. Happy himself he perfumed happiness about him. The songs he so buoyantly sang in his childhood echoed their carol through all his busy years and softly ebbed away their sweetness with his dying breath.

The inscription for his monument, prepared at Mrs. Payne's request by her husband's long-time friend, Judge James G. Jenkins, is thus conceived:

In Memory  
of  
HENRY C. PAYNE

Sometime Postmaster-General  
of the United States

Born November 23, 1843  
Died October 4, 1904

---

An able Executive  
A public-spirited Citizen  
A kindly Neighbor  
A loyal Friend  
A Benefactor of the Deserving

---

"After life's fitful fever he sleeps well"



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